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THE INFLUENCES OF

THE GAME LAWS;

BEING CLASSIFIED EXTRACTS

FROM THE

EVIDENCE TAKEN BEFORE A SELECT COMMITTEE OF THE HOUSE OF COMMONS ON THE GAME LAWS,

AND

SOME INTRODUCTORY REMARKS

BY

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WITH AN APPENDIX,

AND

AN ADDRESS TO THE TENANT FARMERS OF GREAT BRITAIN,

BY

JOHN BRIGHT, ESQ. M.P,

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TO THE

TENANT FARMERS

OF

GREAT BRITAIN.

I AM invited by my friend Mr. WELFORD, the compiler of this abstract of the evidence given before the Committee on the Game Laws, to write a short address to you on the important question which is treated of in this volume. I feel that an apology is scarcely necessary for the liberty I am taking; the deep interest I have long felt in the subject of the Game Laws, my strong conviction of its great importance to you as a class, and the extensive correspondence in reference to it which I have maintained with many of your respected body in almost every county of England and Scotland, seem to entitle me to say a few words to you on this occasion.

From the perusal of this evidence, and it is but a small portion of that which was offered to the Committee, you will perceive that, as capitalists and employers of labour, you are neither asserting your just rights nor occupying your proper position. By long-continued custom, which has now obtained almost the force of law, when you become the tenants of a farm, you are not permitted to enjoy the advantages which pertain to it, so fully as is the case with the occupiers of almost every other description of property. A farmer becomes the tenant of certain lands which are to be the basis of his future operations, and the foundation of that degree of prosperity to which he may attain. To secure success, it is needful that capital should be invested, and industry and skill exercised; and in proportion as these are largely employed, in order to develop to the utmost extent the resources of the soil, will be the amount of prosperity that will

be secured. The capital, and skill, and industry will depend upon the capacity of the farmer; but the reward for their employment will depend in no small degree upon the free and unfettered possession of the land—of its capabilities, of all that it produces, and of all that is sustained upon its surface. There is a mixture of feudalism and of commercial principles in your mode of taking and occupying land, which is in almost all cases obstructive, and in not a few utterly subversive of improvement. You take a farm on a yearly tenantcy or on a lease, with an understanding, or a specific agreement, that the game shall be reserved to the owner, that is, you grant to the landlord the right to stock the farm, for which you are to pay him rent for permission to cultivate and for the full possession of its produce, —with pheasants, partridges, hares, and rabbits, to any extent that may suit his caprice. There may be little game when you enter upon the farm, but in general you reserve to yourselves no power to prevent its increase, and it may, and often does increase so as to destroy the possibility of profit in the cultivation of the farm. You plough, and sow, and watch the growing crops with anxiety and hope; you rise early and eat the bread of carefulness; rent-day comes twice a year with its inexorable demand; and yet you are doomed too frequently to see the fertility which Providence bestows, and your industry would secure, blighted and destroyed by creatures which would be deemed vermin, but for the sanction which the law and your customs give to their preservation, and which exist for no advantage to you, and for no good to the public, but solely to afford a few days' amusement in a year to the proprietors of the soil. The seed you sow is eaten by the pheasants; your young growing grain is bitten down by the hares and rabbits, and your ripening crops are trampled and injured by a live stock which yields you no return, and which you cannot kill and take to market. No other class of capitalists are subjected to these disadvantages—no other intelligent and independent class of your countrymen are burdened with such impositions.

But the injury to your crops is not all the mischief. Inferior agriculture, which is greatly caused by the presence of game, involves not only diminished profits to the farmer, but a lessened

demand for the services of your labourers; and this again brings about irregular employment for them, and insufficient wages; and from these causes come poverty, discontent, and that insecurity for farming property which has been so lamentably prevalent of late years in many parts of England. It is your wish, as it is manifestly your interest, that the labourers around you should have steady employment and good wages, for these are the elements upon which alone can be built up a moral and contented population. The practice of game preserving is at continual war with every effort you make to improve the physical and moral condition of the peasantry. Insufficient demand for labour, low wages, temptations to poaching, and from that to more serious infractions of the laws—these are the natural and inevitable results of the system which is supported by legal enactment, and not less by the usages to which you are assenting parties, for the sole object of providing an amusement for the proprietors of the soil.

Your own independence, too, is made the victim of this system. Your farms are not only not yours in possession by reason of the live stock which your landlords keep upon them, but you are subjected to the incessant watching of the army of gamekeepers who patrol your fields, to see that neither yourselves nor your labourers interfere with the sports, or the subsistence, or the lives of the sacred animals which the law dignifies with the name of game. In many cases you cannot keep a dog or a cat about your premises, and you cannot carry a gun across the fields for the occupation of which you pay a heavy rent, without exciting the suspicion of the ever-watchful gamekeeper whom your landlord employs to dog your very footsteps. That these things are irritating and humiliating to you is clear, from the interminable disputes which are engendered in connexion with the game nuisance, and the experience of thousands of farmers attests the magnitude of the evils which are thus entailed upon you.

I need not go into particulars with which you are well acquainted;—you will find evidence in this volume which, I trust, will rouse you to a sense of what is due to yourselves, to your labourers, and to the country. No change in the law can

do so much for you as you may do for yourselves. At present the right to the game is in your own hands, unless you consent to transfer or to reserve it to your landlords. When you take a farm and give up a full control over all that lives upon it, you sign your own subjugation to the system against which you so loudly and so justly complain. It is true there is a fierce competition for land, but even this is no sufficient justification of the subjection to which you bend. It is your duty to examine and to understand your own position, with its rights and duties, —you are in no small degree responsible for the well-being of the labourers who are dependent upon you, and your country requires that you should maintain the independence and character of your class. Some of you are already roused. The farmers of a Scotch county (Haddington) have taken the lead. Foremost in the knowledge and practice of your ancient and honourable occupation, it was fitting they should move first to throw off the yoke. They are agitating the question among their brother farmers, and have resolved that no candidate for Parliamentary honours shall have their suffrages, who is not in favour of the removal of all legislative encouragement to the preservation of game. In other counties the subject is being grappled with,—in almost all it is undergoing discussion. The movement once fairly begun, there can be no doubt of its rapid progress and successful result.

I am sanguine that the circulation of this volume will fan the flame of your discontent against a system which is as hostile to your independence, as it is destructive of your pecuniary interests. You have been taught to consider me and those with whom I have acted as your enemies. You will admit that we have never deceived you,—that we have never tamely surrendered that which we have taught you to rely upon as the basis of your prosperity,—that we have not pledged ourselves to a policy you approved and then abandoned it; and as you have found me persevering in the promotion of measures, which many of you deemed almost fatal to your interests, but which I thought essential to the public good, so you will find me as resolute in the defence of those rights, which your own and your country's interests alike require that you should possess. But no man,

and no body of men, out of your own ranks can do so much for you on this question as you can do for yourselves. You are a numerous and a powerful class,—there is among you much of wealth and of intelligence, and upon you rests a heavy responsibility;—hitherto you have not sufficiently respected yourselves or your honourable calling and position; the time is come when an effort must be made to teach the proprietors of the soil the limits of their rights, and thereby to secure your own. That the circulation of this evidence, given chiefly by some of the most respected tenant farmers of which the country can boast, may prove a stimulus to you in the performance of your duties, and a potent instrument in working out the deliverance for which you hope, is my most anxious wish; and if such should be the result only to a small extent, I shall be amply repaid for the labour and anxiety I have had in connexion with the question of the Game Laws.

I am faithfully yours,

JOHN BRIGHT.

Rochdale, Sept. 3rd, 1846.

INTRODUCTION.

Having from an early period of my life taken a warm interest in agriculture, and having constantly kept up much personal intercourse with practical farmers, I have long been acquainted with the injurious effects which game preserving, and the game laws, have had upon the interests of the farmer and upon the morals of his labourers. In 1842 I became the occupier of a small farm in Hertfordshire, a county abounding in game preserves, and from that time I have had some opportunity of personally observing the evils of game preserving, and still more of hearing from the tenant-farmers of that and the adjoining counties, the serious injury they habitually sustain from game. No one can have resided in a rural district where game is preserved, without becoming aware that a lawless spirit exists amongst the labouring classes of such districts; that tenants are dissatisfied and often at variance with their landlords upon the subject of game; while the ill blood which is generated amongst competing game preservers, and between game preservers and gentlemen, who, not having much land of their own, are led by their eagerness for sport to trespass on preserved estates, is proverbial.

When, therefore, Mr. Bright, in his very able and conclusive speech, moved, in February, 1845, for a Select Committee of the House of Commons, to inquire into the operation of the game laws, I naturally became much interested in the progress of the investigation; and the more so when I found, that as the evidence proceeded, more varied and extensive mischief than had been anticipated, was shown to proceed from the modern system of game preserving. That, which at best is a mere object of amusement for the vacant hours of a wealthy class of landed proprietors, is proved to be the origin of the greatest part of the crime committed in rural districts, to cause an extensive destruction of agricultural produce, and to seriously affect the independence and comfort of the tenantry of the kingdom.

I have endeavoured in the following pages to arrange under distinct heads so much of the voluminous evidence taken before the Committee, as appears to me to elucidate the operation of the game laws, and the influence of game preserving on the

common weal; and I have connected together various passages from the evidence, by explanations and comments, which will sometimes give in brief the result of a long and perplexed examination. But while I have tried to relieve the reader from the redundancies and repetitions through which he must wade in perusing the minutes of evidence as reported by the Committee, my chief object has been to let the witnesses speak for themselves; and by making classified abstracts of the more important portions of the evidence, to give it a wider circulation amongst the educated classes of the United Kingdom. I do not affect to be indifferent to the impression the evidence will produce upon the public mind; for I believe the system of game preserving and the game laws to be a national wrong incapable of mitigation, and which, when fully understood, must speedily be abolished. I believe that is so completely demonstrated by the evidence received by Mr. Bright's Committee, that my only aim has been to present that evidence in a convenient form, in order to get it read as extensively as possible; and I have by no means confined my extracts to the evidence of those who may be considered witnesses against the game laws. On the contrary, I have largely drawn upon the testimony of the strenuous advocates of game and the game laws, for decisive confirmation of the views I have suggested; and if that testimony exhibits the system as repulsive and uncivilised, and sets its supporters in a light at once unkindly and ridiculous, I am not answerable for such consequences.

Mr. Bright, on moving for the Committee, distinctly stated that he wanted a real inquiry; and in order to avoid any imputation of one-sidedness, he waived the ordinary right of acting as chairman of the Committee, in favour of a member of the then government. The Committee consisted of Mr. Manners Sutton, the chairman, who with Mr. George Bankes, Lord George Bentinck, Mr. Grantley Berkeley, Mr. Burroughs, Viscount Clive, Mr. Cripps, and Mr. Mackenzie, must be considered supporters of the game system; and of Mr. Bright, Mr. Bouverie, Mr. Cavendish, Mr. Etwall, Mr. Trelawney, Mr. Villiers, and Mr. Milner Gibson, who may be deemed more or less opposed to game preservation. The inquiry has occupied the greatest portion of the two last Sessions, and was conducted with great steadiness and patience. The Report of the Committee, the various sets of Resolutions offered by different members, and the Draft of a Report proposed by Mr. Bright, will be found in an Appendix.

6, Chancery Lane,
July, 1846.

R. G. W.

CHAPTER I.

GENERAL OBJECT AND CHARACTER OF THE GAME LAWS, AND THE PRESENT SYSTEM OF PRESERVING GAME.

In the earliest stages of human society the pursuit of wild animals forms the chief means of subsistence to the wandering tribes, who are thinly scattered over uncultivated wastes. With man in that state a passion for the chase is an instinct of self-preservation. He hunts that he may eat. But even then the habits of the hunter are analogous to those of beasts of prey; violent and extraordinary exertions in the chase are followed by a period of absolute indolence, during which all the laborious duties of the tribe are performed by the women, while the man is recruiting his energies for fresh adventures in the forest. Nothing can be more adverse to civilisation than dependence upon the chase, and nothing is more opposed to that steady continuous industry by which alone the condition of society can be advanced. We need not go farther than to the Indian tribes of America for evidence on these points. But as cultivation is the resource of those who may be unsuccessful hunters, or when an increasing population may have rendered objects of chase less abundant, hunting speedily ceases to be followed for the sake of subsistence; when once man has been compelled to submit to constant labour, subsistence is so much more easily obtained by the maintenance of domestic animals, or by the cultivation of the soil, that the chase becomes the occasional and exciting employment of those classes whose superior prowess or greater adroitness may have rendered them the ruling and privileged classes of society. Hence, in all rude ages, the chase has been the privileged and protected occupation of kings and nobles. And so long as war remains the chief business of life with the ruling classes of the community, will the chase, the image of war, form their principal occupation during peace. This was the condition of the Normans, who introduced the

feudal system into this country, and established as a part of it the forest laws by which our ancestors were so long and so grievously oppressed. From "this root," according to Blackstone, "has sprung a bastard slip known by the name of the game law;" and the same high legal authority tells us, that both the forest laws and the game laws were "founded upon the same unreasonable notions of property in wild creatures," and that "both were productive of the same tyranny to the commons." This is entirely true at the present moment. The owners of land in this country have always been remarkable for their passionate fondness for field sports, and the object of the game law has been to protect those sports from interruption by securing to them, what Blackstone justly calls an "unreasonable notion," a property in wild animals. The way in which this has been attempted to be done is this: game was a prohibited article except to those possessed of certain privileges and under certain conditions. Down to the year 1832 no one could legally take, kill, or possess game, unless possessed of a freehold estate of £100 per annum, or had certain other qualifications deemed equivalent; and even those so qualified to kill game must take out a game certificate before their legal right to possess game could be deemed complete. Trespassing in pursuit of game, night-poaching, and so forth, were made distinct offences punishable by grievous fines, long and cumulative imprisonments, and in some cases, by transportation. Taking or destroying game out of season, even upon a man's own land, was an offence against the law, as was also setting poison for game even upon a highway; and such is still the law. The sale of game was absolutely prohibited. Such was, in brief, the state of the law previous to the Act of 1 & 2 Wm. 4, c. 32, by which the property qualification was abolished, and the payment of the certificate duty made the only qualification necessary to entitle any person to kill, possess, and *sell* game. The still more important change of authorising the sale of game by licensed dealers was effected by the same statute. In all other respects the game laws remained substantially untouched. Beasts and birds of game continued to be sacred things. Heavy fines, lengthened imprisonments, cumulative penalties, and successive punish-

ments, are called in to protect the amusement of the privileged and the wealthy, against the necessities or the sporting propensities of the poor.

Such is the nature of game, that no man can say any individual wild creature belongs to him, except whilst it remains upon his own land. Like air or water, the *feræ naturæ*, can be his property only while on the land of him who claims them. They cannot be identified, they cannot be confined, they can never become property except in a very qualified and imperfect degree. And it is to supply by means of harsh law and savage punishments, the imperfect interest in game, and which is inherent in its very nature, that the game laws have been contrived. An interest, which can scarcely be conceived to be property at all, and which practically is not regarded as property by nine-tenths of the community—an interest, moreover, peculiarly liable to be questioned and invaded, is protected by laws of extraordinary stringency. This violates every sound principle of legislation. But when the reader shall have traced the operation of such a vicious system of law through all its ramifications, and which the following abstract of the evidence will, in a great measure, enable him to do, there can be little doubt of his coming to the conclusion, that it is a system not to be endured much longer in this civilised community.

Before tracing the effect of the laws for the preservation of game, it will be well to show what is the actual law. For that purpose the following tabular statement of the offences enacted by the game laws, the penalties and punishment inflicted upon offenders, the tribunals before which they are tried, and the particular statutes on the subject, is set forth. The statement was prepared for, and formed part of the Draft Report proposed by Mr. Bright to the Committee.

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
1 & 2 Will. 4, c. 32. s. 3.	Killing or taking game, or using any dog, gun, net, or other engine or instrument, for the purpose of killing and taking of game on a Sunday or Christmas day,	Not exceeding £5 and costs,	Or three months' imprisonment and hard labour.	Two justices.

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
1 & 2 Will. 4, c. 32. s. 4.	Killing or taking a partridge between the 1st day of February and the 1st day of September; a pheasant between the 1st of February and the 1st of October; or black game, (except in Devon, Somerset, or the New Forest,) between the 10th of December and the 20th of August in the succeeding year; and in Devon, Somerset, and the New Forest, between the 10th of December and the succeeding 1st of September; or grouse, commonly called red game, between 10th December and the succeeding 12th of August; or any bustard between the 1st of March and 1st of September; for every head of game,	Not exceeding 20s. and costs.	Two months' imprisonment and hard labour.	Two justices.
Same Act.	Buying, selling, or knowingly having in house, shop, stall, or possession, or control, any bird of game after the expiration of ten days (one exclusive and the other inclusive) from the respective days in each year on which it shall become unlawful; or, if a person not licensed to deal in game shall buy or sell any bird of game after 10 days (one inclusive and the other exclusive) from the respective days on which it shall become unlawful as aforesaid; or shall knowingly have in his house, possession, or control, any bird of game (except birds of game kept in a mew or breeding place) after the expiration of 40 days from the expiration of the respective seasons; for every head of game,	20s. and costs,	Or two months' imprisonment and hard labour.	Two justices.
	No restriction is imposed by this Act upon killing hares at any season.			

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
1 & 2 Will. 4, c. 32, s. 5.	This Act abolishes the old qualification to kill game, but empowers any person who may take out a game certificate to kill game, subject only to his liability in respect of any trespass committed in pursuit of it. But it is declared that nothing in that Act contained shall affect or alter (except as after-mentioned) any acts by which persons using any dog, gun, net, or other engine for the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, or landrail, or conies, are required to obtain and have annual game certificates,	Not exceeding £5 and costs,	Or three months' imprisonment and hard labour.	Two justices.
Sect. 23.	consequently all the Acts relating to certificates are unrepealed; and, in addition, by this Act it is enacted, that taking or killing game, or using any dog, gun, net, or other engine or instrument for searching for or killing game, such person not being authorised for want of a certificate,			
	And it is expressly provided that the payment of this penalty shall not exempt from certificate duty, but this penalty shall be deemed a cumulative penalty.			
1 & 2 Will. 4, c. 32, s. 30.	Trespass, by entering or being in the day-time upon land in search or pursuit of game, or woodcocks, snipes, quails, landrails, or *conies*,	Not exceeding 40s. and costs.	Two months' imprisonment and hard labour.	One justice.
	And if more than five persons together commit any such trespass,	Each liable to not exceeding £5 and costs.	Three months' imprisonment and hard labour.	One justice.
	Trespasser may be required to tell his Christian and Surname and place of abode, or on refusal, may be apprehended.			
Sect. 31.	And a trespasser refusing to give his name, whether apprehended or not,	Not exceeding £5 and costs.	Three months' imprisonment and hard labour.	One justice.

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
Sect. 32.	Where five or more persons trespassing in the day-time, if any one being armed with a gun use threats or violence to prevent, or endeavour to prevent, an authorized person from requiring them to quit the land, or to tell their names, &c., the person offending by violence, and those aiding and abetting him, an additional and independent penalty of	Not exceeding £5 and costs.	Three months' imprisonment and hard labour.	Two justices.
Sect. 36.	*N. B.*—Game (but not woodcocks, snipes, quails, landrails, or rabbits) may be taken from trespassers, under this section.			
Sect. 46.	If proceedings be taken for trespass under this Act, a civil action cannot be maintained.			
52 Geo. 3, c. 93.	By Schedule 4 it is provided, that persons using any dog, gun, net, or other engine, *for* the purpose of taking or killing any game whatever, or any woodcock, snipe, quail, landrail, or any conies, a certificate duty of £3 13s. 6d. is imposed, since increased to £4 0s. 10d.			
3 Vict. c. 17.	The exemptions from this duty are— 1. Taking woodcocks and snipes with nets and springs. 2. Taking or destroying conies, by the proprietors of warrens or any inclosed ground whatever, or by the tenant of lands, by himself, or his direction.			
1 Geo. 3. c. 41.	By this Act persons assisting or intending to assist a certificated person to take or kill game, are not to be liable to duty.			
2 Geo. 3, c. 93, Schedule 4, rule 12.	Sporting without certificate	£20, and £4 0s. 10d. duty, to be levied by distress.	Or six months' imprisonment.	Two Commissioners of Assessed Taxes, or one justice, being also a commissioner of Assessed Taxes. An appeal lies to the

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
				quarter sessions on giving security in double the penalty, not to be mitigated below £10.
Rule 11.	Persons using dog, gun, &c., and refusing to produce certificate; or if no certificate produced, to declare his christian and surname, and place of residence, and assessment: or producing false certificate, or giving false name, &c.,	£20, to be levied by distress.	Or six months' imprisonment.	Two Commissioners of Assessed Taxes, &c.
5 Geo. 4, c. 44, s. 7.	Surveyors of taxes empowered to charge persons killing game without certificate, without any previous information and conviction.			
6 & 7 Will. 4, c. 65, s. 8.	Persons sporting without certificate may be charged with double duty.	£8 1s. 8d.	- - - - - -	Two commissioners who shall not have power to remit any part of the double duty.
	Gamekeepers appointed for particular lands pay a lower rate of certificate duty, which only protects them from penalties whilst on the manor, or lands for which appointed.			
1 & 2 Will. 4, c. 32.	Certificated persons may sell game to licensed dealers, except gamekeepers, who cannot without the written authority of their masters. Licences to game-dealers granted by justices at petty sessions in July yearly, who must take out certificate, pay yearly duty of £2. Purchasing or selling without licence,	£20.	Or six months' imprisonment.	Commissioners of Assessed Taxes.

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
1 & 2 Will. 4, c. 32, s. 25.	Selling or offering for sale game without a certificate to any person, or having a certificate, to any one except a licensed dealer,	Not exceeding £2 and costs.	Two months' imprisonment and hard labour.	Two justices.
Sect. 27.	Buying game except from licensed dealers - -	Not exceeding £5 and costs.	Three months' imprisonment and hard labour.	Two justices.
1 & 2 Will. 4, c. 32, s. 28.	Licensed dealers buying of persons without a certificate, or selling contrary to Act,	Not exceeding £10 and costs.	Three months imprisonment and hard labour.	Two justices.
5 & 6 Will. 4, c. 20, s. 20.	Persons informing and prosecuting for game offences indemnified against penalties they may have incurred in respect of the same transaction.			
	Moiety of penalty to informer.			
1 & 2 Will. 4, c. 32, s. 3.	Putting any poison on any ground, whether open or enclosed, where game usually resort, or in any highway,	Not exceeding £10.	Three months' imprisonment and hard labour.	Two justices.
Sect. 24.	Taking out of the nest, or destroying in the nest, or having in possession, the eggs of any bird of game, or of any swan, wild duck, teal, or widgeon,	For every egg not exceeding 5s.	Two months' imprisonment and hard labour.	Two justices.
7 & 8 Geo. 4, c. 29, s. 30.	Taking or killing any hare or coney in a warren or ground lawfully used for breeding or keeping of hares and conies, whether inclosed or not.	A misdemeanor.	- - - - -	Assizes or quarter sessions.
	The like in such place in the day-time.	Not exceeding £5.	Three months' imprisonment and hard labour.	One justice.
9 Geo. 4, c. 69.	Night poaching:—Commencing at the expiration of the first hour after sunset, and concludes at the last hour before sunrise.			
	Any person by night unlawfully taking and destroying game or rabbits in any land, whether open or inclosed, or shall by night unlawfully enter or be in any land, whe-	- - -	Committed, not exceeding three months, with hard labour, and at the expiration to find sureties, himself	Two justices.

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
	ther open or inclosed, with any gun, net, engine or other instrument, for the purpose of taking or destroying game—first offence,		in £10, and two sureties in £5 each, or one in £10, for his not so offending again for a year next following. If not find sureties, imprisoned and kept to hard labour for the space of six months.	
9 Geo. 4, c. 69.	Second offence.	- - -	Not exceeding six months with hard labour, and at expiration to find sureties, himself in £20, two sureties of £10 each, or one in £20 for two years following. If not find sureties, imprisoned for one year with hard labour.	Two justices.
Same Act.	Third offence.	A misdemeanor.	At discretion of the Court to be transported for seven years, or imprisoned and kept to hard labour not exceeding two years.	Assizes or quarter sessions.
	Owners, occupiers, gamekeepers, and servants may apprehend such persons, who, if they offer violence, will be guilty of misdemeanor. Prosecution within six months after offence. Appeal against summary convictions to quarter sessions, giving notice of appeal within three days after conviction, and give security to pay costs awarded on appeal.			
Same Act, s. 9.	Three or more persons enter or be on any land, &c., with any gun, cross-bow, fire-arms, bludgeon, or other offensive weapon; each person,	A misdemeanor.	At discretion of the Court, transportation not exceeding 14 years nor less than 7 years, or imprisoned with hard labour not exceeding three years.	Assizes or quarter sessions.
1 & 2 Will. 4, c. 32, s. 38.	Justices convicting summarily under the Act may direct the penalty and costs to be paid immediately, or within some appointed time, and in default of pay-			

Act of Parliament.	OFFENCE.	Penalty.	Punishment.	Tribunal.
	ment at the time appointed, the convicted person may be imprisoned in the common gaol or house of correction, with or without hard labour, for any term not exceeding two calendar months where the amount to be paid, exclusive of costs, shall not amount to £2, and for any term not exceeding three calendar months in any other case, the imprisonment to cease on payment of the amount and costs.			

Such a code of laws for the protection of an amusement at once barbarous and puerile, would be sufficiently startling under any circumstances; but when it is regarded in connexion with our growing population, and the gradually advancing state of husbandry in Great Britain, it becomes the subject of positive wonder. It is an invariable law, that wild animals recede as population increases and cultivation advances. Beasts of prey and the larger animals of chase have long since ceased to exist, as wild creatures, in this country. For several centuries our land has outgrown the rude state in which alone such once cherished objects of feudal sport could be tolerated; but until the commencement of the present century, perhaps somewhat later in most districts, the smaller beast and birds of game were looked upon as indigenous products of the land. They were protected by rigorous laws against poachers, but they were strictly wild animals, the pursuit and killing of which demanded some skill and considerable bodily exertion on the part of sportsmen; so much so, that except for the love of sport, which prevails amongst labourers as amongst landlords, the mere profit of poaching would seem to have offered very little inducement to the labouring class to brave the penalties of the game laws. There were few cases in which game abounded to such an extent as to cause serious injury to the cultivators of the land, who, employing small capital, raised what may be said to have been little more than the natural produce of the soil. In that state of things the land appeared to be the main element in production, and the farmers generally were well contented that the landowner should reserve to himself the exclusive right to preserve and to take the game.

Now, however, a complete change has taken place; farming

has become higher, crops have every year become more and more the result of the farmer's capital and industry than of the natural quality of the land, while game preserving has assumed a new character. Formerly game preservers became so for the pleasure of shooting throughout the season; now they get up a large head of game, by means the most artificial, in order that during some half dozen days in the year, an immense mass of game may be slaughtered in "battues," without more of exertion or skill than would be required to shoot so many barn-door fowls. This has increased the quantity of game prodigiously, wherever it is preserved at all; and it has rendered a game preserve an object of great temptation to the labouring men of the neighbourhood. Where the game preserver and his friends can in a few morning hours destroy game by the cart load, the poacher and his associates will have no difficulty in killing, in one night, a sackful of game. And the change in the law, by which game has been rendered saleable, undoubtedly gives great facilities for the disposal of poached game. These things have combined to give a new and far more injurious operation to the game laws, than, until a period comparatively modern, they have ever possessed. This view is most clearly stated in the evidence of Mr. Philip Pusey, M. P., who having been a rigid game preserver, abandoned the practice from his conviction that game-preserves are inconsistent with good farming, the comfort of the tenantry, and the welfare of the labouring class. Some extracts from that evidence will throw a strong light upon the modern practice of game preserving, as will also many passages from the evidence of noblemen and gentlemen who still persist in preserving game, and attempted, before the Committee, to defend the practice and the law. With what success let the public judge.

Mr. Pusey thus stated the way in which he was induced to give up game-preserving:

Examined by Mr. Villiers and Mr. Bright, the 17th May, 1846.

7507. Have you ever given your attention to the preservation of game? I have preserved, I may say, rather largely for a small property.

7508. You were formerly a considerable preserver of game on your property? Yes, within a moderate compass of land.

7509. Do you continue to preserve game? No, I gave it up about two years ago.

7510. What was the reason that you ceased to preserve game on your property? My principal reason was, that I was convinced at last that the farmers had grounds for complaining of the quantity of game that was kept.

7511. Did the tenants complain of the game to you? They stated to me that they were considerable sufferers by it. Some of them said nothing about it, but I could see that they were equally losers with the rest.

7512. What was particularly the nature of their complaints of the game; in what way did it damage them, and what sort of game was it that they complained of? It was chiefly hares and rabbits from which they suffered injury. It was not so much that they complained as that one or two of them mentioned the inconvenience; and at last I could not but perceive it myself. I had gradually observed it myself some time; for instance, a field of wheat, I have seen half of it in December completely bare, as if nothing whatever had been sown. Then it was stated to me that that was no injury to the wheat: that unless it was eaten down a second time in the spring, it suffered no injury by the first eating; but I am inclined to think that a good deal depends upon the nature of the land; that perhaps on very strong land the first eating down may not be so injurious, but on light land, I believe that the less it is touched the better.

7513. Do you farm any land yourself? Yes, I do; I have increased the occupation lately.

7514. You have given a good deal of attention to agriculture? I have.

7515. Do you feel yourself quite competent to judge whether the mischief that was alleged to be done by game was really done? I have no doubt myself now, that a great deal of injury is done by game; and that also a great deal of annoyance is inflicted. I found, for instance, that one of my tenants had given up growing winter vetches altogether, in consequence of the abundance of hares. This was not any sudden determination, but in consequence of what I had observed for some years. I remember observing some years ago, near a cover, that in one place there were two acres of barley completely cleared away by the rabbits; that was in one place only, near the cover side. In that year barley was extraordinarily high; it was 50s. a quarter at our market, so that the loss then must have been very considerable upon that barley. There are some things which it would be almost impossible to grow, winter vetches, for instance, where there is an abundance of hares; and there is another article of no very great importance, namely, carrots. One of my tenants attempted to grow carrots at a considerable distance from the cover, and he was obliged to fence it round with hurdles the whole of the summer, and I suppose the hares got over

them. Then, besides the positive loss, the annoyance must be intolerable.

7516. Are those things which are now important in the manner in which farming is conducted at present, vetches and carrots? Carrots are an article of very minor importance, but I should say that the injury done to wheat on light land during the winter is very severe, and I could give other instances. In summer, too, the hares injure it considerably. The effect of the biting down in the winter, I believe, is, that it grows up again, but it tillers out on the sides; and, as I understand from farmers, those ears are very weak, and they grow to a late period in the autumn, and are very apt to become mildewed. Then, in the summer, the hares gnaw paths for themselves (probably that has been already described to the Committee), as if they were driving tunnels through the wheat; they gnaw themselves paths about the wheat, and they seem to gnaw the wheat for their own amusement a good deal. But I have a strong case now of injury to wheat, which occurred only two years ago. A tenant of mine came to tell me that he must give up his farm; he was a very improving tenant indeed. I asked him why; he said, the injury which he received from the game was such that he could stand it no longer. There was a piece of 60 or 70 acres of wheat, and he told me that it had been completely fed away by game from a neighbouring cover, and he asked me to go over it. I did so, and I can state positively to the Committee that half of that field I should not have known had any crop at all upon it; this was light land. I said to the tenant that his loss should be valued, and I paid him the loss; I think it was valued at about £40, but I doubt very much whether that by any means covered his loss; he said himself that he lost about a quarter per acre.

7517. Was that game preserved in a cover of yours? In this instance the cover belonged to a neighbouring gentleman. This tenant had received already from me a power to destroy the game on his farm, and he had been destroying the rabbits during the whole of the autumn; he had power to destroy hares and rabbits both, but he told me he was quite unable to stop them.

7518. He had been unable to keep the game down sufficiently to prevent this injury? He had had unlimited power during the time of destroying game, but he had been unable to do it.

The following extracts will show why the modern system of game-preserving has become utterly inconsistent with the modern system of good farming:

7548. As an agriculturist yourself, and attending to the practical details of farming, would you yourself persevere in your present plan of keeping down the game, or destroying the game, from the injury it would do to yourself? I would decidedly destroy it.

7549. You were first led to destroy it with a view to doing justice to your tenants, but as a practical agriculturist you would do it for

your own interest? I stated that the principal motive with me in doing away with game was a conviction I had come to, that it interfered with the cultivation of my tenants.

7550. Do you consider that good farming cannot be carried into effect in this country now, consistently with preserving a large head of game? I would not say that it could not be carried into effect, because we know that one of the counties which is most famous for game is also most famous for good farming, I mean Norfolk; *but I should say that the tendency of the new system of farming is to render the crops more liable to injury from game, and also that the tendency of the new system of preserving game is to render game more injurious to the farmer.* It appears to me, that since the middle of the last century, both farming and preserving have become much more artificial; and in consequence of this change on each side, game is much more injurious than it used to be.

7551. Do you consider that high farming now is almost essential under the present circumstances of our country? Under the old system of farming, the Committee are probably aware, there were very few green crops. The old system of farming was two white crops and fallow, in which the ground was fallow all the winter; on the other hand, *there is no doubt that, where game is preserved strictly, it has very much increased.*

7552. It is of course a great object now, with our increasing population, considering the limited extent of the country, to get as much produce as possible from the soil; and under those circumstances skill and science in farming have become more essential than at any former period? Certainly; I think the system of growing green crops renders a farmer more subject to annoyance from game.

7553. Are the Committee to understand that it is your opinion that there has been no period of our history when the preservation of game was more injurious to agriculture than at present? I think that game, as it is preserved at present, is more injurious to the farmer than it was formerly; I can only speak here of my own neighbourhood. I have reason to believe that in the Vale of Whitehorse formerly there was a moderate sprinkling of game over the whole district, which existed in a natural state without being preserved at all, or almost without being preserved. An old man told me, who had the deputation of a manor which now belongs to me, that when he had it he always saw a moderate number of hares whenever he went out, but he took no particular pains in preserving them. Formerly it was said that you might know a Vale farmer, that is, a farmer of the Vale of Whitehorse, by his having a brace of greyhounds behind him, which shows that there was a moderate amount of game through the whole Vale, which is about five miles in breadth; but there is no such thing now. A few years ago there was a pack of harriers kept, and at last they very often drew a blank; so that where the game is not strictly preserved, there is none at all in my neighbourhood; and I believe that one consequence of that is a larger amount where it is preserved, because

if a man is obliged to go to a considerable expense in preserving game, and having watchers at night, the keepers will naturally be desirous, *on the few occasions when shooting takes place, to show a large head of game. And it also ceases to be so much the common weekly amusement of small country gentlemen.* I am not speaking of large proprietors with extensive domains; but now that there is no game on the unpreserved land, the owner of a small property of 1,000 or 2,000 acres does not like to disturb his covers by frequently driving them, because as soon as that game has got on the unprotected land it disappears, and this I think is one cause which has led to the system of battues, that they are really obliged to avoid disturbing the game as they did. I do not think it is any longer in the power of a country gentleman, I will not say what it may be in counties where there is a general preservation of game, but judging from my own neighbourhood, I doubt whether it is in the power of a country gentleman who has 1,000 or 2,000 acres, and is living surrounded by an unprotected country, to have much amusement from preserving.

7554. Referring back to the point you were speaking to just now, as to the necessity of high farming at the present period, is it not a fact that the outlay is necessarily greater upon a farm than it used to be? Decidedly. *Formerly the crop was very much the unassisted produce of the land, and now in many instances the farmer pays as much to the manure merchant as he does to his landlord.*

7555. There is more expense required to restore the soil, and there is a greater demand for produce in this country than formerly? There is no doubt that under the present improved system the outlay of the farmer is very much greater than it used to be. I know one instance where a farmer pays 7s. or 8s. an acre for rent on a farm of 1,000 acres, and he pays £1 an acre for artificial manure to the manure merchant every year; and I have reason to believe that that amount of payment to the manure merchant is not unusual in Lincolnshire.

7556. Is the farmer then necessarily more sensitive as to anything that shall limit his profit or injure his crops, in consequence of this great expense which he is obliged to incur? I think he is fairly entitled to be so, because as long as it was the unassisted produce of the land he might view the stock which his landlord put upon the land with more leniency. But now that the produce is to a very considerable extent the result of the manure which he has purchased, he must feel more aggrieved by any serious diminution of the produce of the land.

7557. The necessity for high farming arises from the circumstances of the period in which we live? Clearly. Farming is becoming more artificial, and the crop arises from more the tenant's capital than it did formerly. Also the game, in my opinion, is much more abundant than it was eight or ten years ago in some districts, whilst in others it does not exist at all; therefore the farmers no longer feel that they have any participation in the sport of preserving game.

7558. There is something peculiar in the mode in which game is preserved, from the exclusiveness of it in one respect and the extent of it in another? My opinion is that it forms a much more exclusive amusement than it did.

7559. And in proportion as it has become more injurious to the farmers' crops it has been preserved in greater excess? It is an unfortunate circumstance, certainly, that this change in the system of preserving should have accompanied the change in the system of farming, which renders farming more liable to injury.

7560. The battue system is with a view to preserve a vast quantity of game, in order to be slaughtered in a short time? I am not very conversant with the battue system, but there is no doubt that that is the general effect of it.

7561. Does your own memory extend to the time when the mode of sporting in this country was different in that respect? I cannot say that my own memory extends to that, but I have received information upon the subject in my own neighbourhood. I am certain that it is more difficult to preserve game than it was even 20 years ago; because my father had a keeper, who was really no keeper at all, and yet at that time I have counted 50 or 60 pheasants under the windows of the house. Since I have given up strictly preserving, the game has disappeared altogether, which shows that it is much more difficult to preserve game than it was 20 years ago.

7562. Why is it more difficult now than it was then, if more attention is given to it now than was given to it at that time? Now that I have abandoned the system of preserving, I find that the game can no longer take care of itself as it did 20 years ago on my own property.

7563. There was less care taken to preserve it formerly? There was next to no care taken in my father's time, and yet I remember seeing a considerable number of pheasants in the garden; and now I have reverted to the same state as to the preservation of the game, the game has utterly disappeared. I think it is not difficult to account for this change. I believe that the increased demand in towns, from the increasing wealth of the towns, and the liberty of selling game (to which I have no objection), and the greater facility of disposing of the game, will sufficiently account for the increased difficulty in preserving game, and the greater facility of communication.

7564. Mr. *Bright.*] Do you think that the habit of poaching has become more inveterate, or that there is any change in the feeling of the population as respects the preservation of game, to which you attribute any part of that change? I am unwilling to offer any opinion to the Committee, except upon facts with which I am acquainted, but I think it not unlikely that the farmers are more alive to the injury they receive from the game, and less inclined to discountenance poaching.

7565. Mr. *Villiers.*] Is that one reason why it would be more difficult to preserve game now than formerly? I can conceive that to be one reason, but I think the increased demand in towns is one great cause.

7566. Do you mean that the increased demand in towns presents an increased inducement to poachers to take the game? I am certain that there is much greater difficulty in checking poaching than there was formerly.

7567. Do you ascribe that to the change in the law which took place about 12 or 14 years ago, allowing game to be sold, or to the increased demand in towns for the article itself? I am inclined to ascribe it to both causes.

7568. Do you remember whether there were many cases of poaching to which the public attention was much directed before the last change in the law, which allowed the sale of game? I do not remember that; all I can say is, that even within my own recollection there was a fair amount of game on a property which was virtually not preserved.

7569. Are you in the neighbourhood of any great town? Yes, in the neighbourhood of Oxford. As a proof of the difficulty that a small proprietor must lie under in preserving, on one side of my estate there is unpreserved land, and there is width, I should say, of half a mile at least, which is a sort of intermediate land upon which I know I can expect no game at all. For within half a mile of the frontier of the estate towards the unprotected land, I know that I can expect no game at all, so that about the other half of the property which lies on the side toward the protected property is the only part where game exists; therefore I say, if a country gentleman of moderate property is in an unprotected country, I doubt whether it would be within his means to have much sport.

7570. You mean from the difficulty of preventing poachers from taking the game? *From the game being no longer in the shape of wild animals, but merely preserved artificially, and therefore as soon as it wanders off the protected property it disappears.*

7571. It is taken? It is taken; and therefore I think that game has become a much more exclusive amusement than it used to be. Except in some counties where there is a general preserving of game, I think it belongs chiefly to the owners of large properties.

7572. Would you call the preservation of game in this country, as it is at present carried on, a luxury of the rich? In my opinion it is becoming more a luxury, and less a source of healthful exercise, to country gentlemen of moderate incomes like myself.

7665. Mr. *Villiers.*] Am I right in believing that you have superintended a work called "The Royal Agricultural Journal"? I am chairman of the committee of the Royal Agricultural Society, which is responsible for that work.

7666. And the opinions which you have expressed before this Committee with respect to the injury done by game to farmers, are the result of your general experience in considering matters connected with agriculture, and as a practical agriculturist? The opinions that I have ventured to offer the Committee were chiefly from my own observation in my own neighbourhood, but confirmed by what I have heard and seen in every part of England; and I have no doubt, speaking of England generally, that game has

become a source of serious loss and annoyance to tenants in those parts where it is highly preserved, and that the landowners would find great advantages from relaxing that protection, or abandoning it altogether.

7694. You have stated that at present there is an improving state of agriculture in this country; that there is more of art and science connected with it than heretofore: and there being now some probability of a greater competition with respect to the production of food, do you suppose that it would be a relief to the tenants generally if country gentlemen, the owners of land, could see it consistent with their interest to desire that the preservation of game should be greatly modified, or wholly done away with? I have not the slightest doubt, from what I have heard from farmers in different parts of the country, that they would be very much obliged to their landlords for diminishing the extent of the game where it is highly preserved.

7695. Have you ever heard any farmers state that they would consider the abolition of game as a considerable relief, and even in some sort, if not entirely, a compensation for the withdrawal of that protection which has heretofore been given to agriculture? I have never heard the matter stated in that point of view, but I know that farmers, quite irrespectively of any Bill now in Parliament, do consider the excess of game as a grievance, and that they would regard the diminution of game as a considerable relief.

Some of the advocates of the game laws, being rather at a loss for plausible apologies for their system, threatened that, if the special protection of game preserves afforded by the present game laws should be diminished, the country gentlemen would withdraw the light of their countenance from the districts in which they now reside. On this real calumny upon the landed gentry, Mr. Pusey was questioned, and he shows that it is unfounded.

7584. You stated that your own part of Berkshire is not preserved; in that part of Berkshire are there any resident country gentlemen? My impression is, that in half of the county there is no real preservation of game: but I could not answer accurately upon that subject.

7585. Have you ever been led to observe any necessary connexion between the residence of country gentlemen upon their estates and the high preservation of game? It appears to me that country gentlemen care less than they used to do about shooting: I think they derive much more amusement from hunting than from shooting; they are so seldom able to disturb the covers, that I do not think that shooting, except in September, gives them much pleasure. As far as amusement is concerned, there is much more amusement, and a more friendly amusement, from hunting.

7586. They do not disturb the covers, on account of desiring to have battues? They do not disturb the covers, because it is as bad to disturb the covers as it is to shoot the game. Except in counties universally preserved, game wanders away and disappears.

7587. Do you think that it would be possible to tempt country gentlemen to reside on their properties, supposing game was not so strictly preserved? I should think country gentlemen, with hunting and the improvement of their properties, might find sufficient occupation and amusement to keep them at home.

7588. You think the mansions would not be immediately deserted if game was less protected by law? Any Member of the Committee can answer that question as well or better than myself probably. I should say that shooting formed but a very small part of the occupation of most of my own neighbours.

And on cross-examination by Mr. Grantley Berkeley, Mr. Pusey reiterated and affirmed the same view before expressed of the changes in modern times, both in game preserving and in farming, which had caused game now to do far more injury than at any former period.

7798. You say that, as to the comparison between the hare and the sheep, the sheep is confined to one particular spot, and the hare can wander at liberty over the whole farm; then the Committee are to understand that it is not at all necessary that that hare so at large should feed upon the farmer at all? The difference is, that the sheep feeds upon the crops in a proper state to be fed upon, but the hare feeds upon the crops in a state of growth, which is an improper way of feeding.

7799. But you admit that the hare has it in his power to wander over, not only the game preserves, but also the down and the heath, where he will do no harm at all? No doubt of it, but still the fact remains the same, that you cannot estimate the damage done by hares by stating that three or four hares only eat as much as one sheep, because the hare can take the crops at any period of their growth, and chooses her own time and place for feeding.

7800. That is, if she does take them at all? Which we know that she does.

7801. But you do not mean to say that it is not possible for the hare to go and feed upon downs and heaths, and not to feed upon the farmer's crops? We know that they do so feed.

7802. Then unless you can confine the hare to feed upon the tenant's crop entirely, you cannot assume that there is reason to believe that the hare does more mischief than the sheep? No; but it is very plain that the mischief done by the hare is not so much in the quantity that she takes as in the time at which she takes it.

7803. If she takes it all? If she takes it all, which we know that she does.

7804. But if she does not take it, but goes to wild land to feed, the damage is not done at all. Is that so? Clearly.

This last question, which boldly assumes the whole case of the questioner to be demonstrated, is a fair specimen of the way in which game preservers defend their practice and their law.

7805. *Chairman* (Mr. *Manners Sutton.*) At what time of the year do you think that hares do most damage to the farmer's crops? I think they do most damage to the wheat about March.

7806. Quite early? It is not so much in the winter as it is when the wheat is beginning to grow in the spring.

7807. Mr. *G. Berkeley.*] You say that the new system of farming is more susceptible of damage by game; is not stacking turnips one of the new systems of farming? Many farmers no doubt stack turnips, but many object to it.

7808. *Chairman.*] Is it common to plough turnips in? I have seen a great many modes of preserving turnips, and read of a great many more, but I cannot say that one plan is always to be preferred to another. The other day a very good farmer told me that he objected to storing Swedes at all.

7809. Mr. *G. Berkeley.*] Does not the new system of stacking turnips tend to give protection to the turnips, whether from wild animals or from frost? When I spoke of the new system, I meant the system which began at an earlier period before the extensive growth of green crops in this country.

7810. You stated that formerly, before the passing of the new game law, game did not do so much damage as it does now? That was on another branch of the subject; and I stated that even as late as 20 years ago, it was much more easy to preserve game than it is now.

7811. You stated that some time ago game did not do so much damage in itself as it does at present? I was speaking of a more distant period; about 60 years ago.

7812. And that at that time the crops produced by the tenants were simply the unaided growth of the soil? In all those cases one speaks comparatively, not rigidly; but I have no doubt that in my own neighbourhood at that time *the game was general, and that the farmers joined in the pursuit of it, and that game was less artificial, and that farming was less artificial too.*

7813. Is it not within your knowledge that good farming, and great quantities of manure, will to a certain extent bid defiance to damage by game? I have no doubt that the Norfolk farmers grow very good crops, even where there is an excess of game, but I think they must feel injury from it more than it was felt some years ago, in the middle of last century, when there was very little game and very little manure.

7814. Is it not the fact that game does infinitely more damage

to weak crops than it does to the strong and healthful? I suppose it is.

7815. Then how do you reconcile that with your former answer, that when the corn was simply the unaided production of the soil, the game did it less harm than it does now? I did not say that it did the corn less harm; I should say that at that time there was less injury done to the farm, because there were no green crops grown at all; no Swedes, and no winter vetches, *and there was much less game.*

7816. You said that game is now calculated to do more harm to the agriculturist, because the agriculturist farms in a more expensive style? I said that it is an unfortunate circumstance that under the new system of farming the crops are more liable to injury, at the same time that there are more hares to injure the crops; that is what I meant to convey.

7817. But at the same time you say that game on unprotected lands has almost entirely disappeared now; do not unprotected lands extend over an infinitely greater extent than the lands which are protected? I am speaking of protected lands.

7818. Then you confine your observations simply to protected lands? Yes; because I say that from the *change in the system of preserving, game is no longer the general source of amusement that it was formerly.*

7819. You have said that there is something peculiarly exclusive in the preservation of game; now what is there peculiarly exclusive in it? I did not mean to say anything invidious. I was only comparing the present state of preservation with what existed in the middle of the last century. At that time you might know a farmer of the Vale of Whitehorse by his greyhounds; and then country gentlemen and small proprietors could have the amusement of sporting, but now it is difficult to preserve game except on large properties, or in counties where there are many moderate properties adjoining, and all preserving.

7820. That is because the demand for game has increased? I should think that was one chief cause.

7821. *Chairman.*] Do you think the difficulty of preserving on small estates has increased since the change of the law in 1832? Yes, I am inclined to think that it has. I know that on one-half of my property, towards the unprotected side, there was no game at all.

7822. Mr. *G. Berkeley.*] As regards exclusiveness in game, was it not the sole spirit and meaning of the last change in the law to do away with exclusiveness, and to put it within the reach of any person who could afford to purchase it? I have no fault to find with the last change in the law; on the contrary, I think it was a wise change, and I intended nothing invidious in using the word "exclusive;" but I think it has now become more the amusement of large landowners, and less within reach of small landowners.

7823. Still, is not game now, by the last change of the law, put within the reach of the poorest person in the realm, if he has 1s. in

his pocket to buy it? I was not adverting to the sale of game, but to the pursuit of game.

7824. The question refers to the sale and possession of game? That question is answered by the provisions of the Act.

7825. Is it not the fact that by that change in the law as to the qualification, the exclusiveness which before was charged against the great landed proprietors was done away? *I believe that virtually persons took out licences before, though they were not strictly qualified to do so;* but I have no doubt that the last Game Act was a vast improvement and a wise measure.

7826. Then the Committee are to understand that when those disabilities were removed from all classes of Her Majesty's subjects, it did away with the exclusiveness attributed by that question of Mr. Villiers? I do not know what the question refers to, but I wish to state to the Committee my own opinion, that now the pursuit of game is necessarily confined more to the wealthy proprietor, and is less within the means of ordinary country gentlemen like myself and the yeomanry of the country.

7827. *Chairman.*] Then do you think that the pursuit of game is reserved strictly to the largest landed proprietors? I should be sorry to state any opinion rigidly, as if it were a question of mathematics; but as far as my own observation goes, it is more difficult now for small proprietors to preserve game than it was formerly, or to show sport to their friends. If a man has about 3,000 acres he may go out in September, but he does not care about going out shooting for his own amusement; *and he therefore reserves his covers, without disturbing them, for parties of friends that come now and then. It is not a source of weekly amusement to him, because the moment he disturbs his game, he drives it off to an unprotected district.*

7828. You were understood to say that you thought that Norfolk was one of the best preserved counties in England? I only speak from hearsay. I understand it to be one of the counties best farmed, and with a large amount of game.

7829. Are you aware whether Norfolk is distributed into a great number of small estates, or whether they are generally very large properties in the county? I guarded my answer with reference to the present question, that in order to have a large quantity of game you must either have a large property or a property in a neighbourhood which is generally preserved. If there are a number of country gentlemen with 3,000 or 4,000 acres, and each of them preserves, and there are no farms with absent proprietors where the game is abundoned, then no doubt the case is the same as that of a large estate; but in the parts of England I am best acquainted with, I have generally found that it is only on large properties that the game is abundant, and that on small estates there is great difficulty in having game a source of constant amusement, because the owner does not like to disturb his covers too long.

7830. Mr. *G. Berkeley.*] Do not you think that taking away the protection from the hares, which you seem to recommend, would

have the effect still more of abridging the amusements of the small proprietors? I think it might have that effect; but I think the injustice of the present system, by which a man may have eight or ten acres of land in the midst of a neighbour's woods, and his crops may be rendered almost valueless, would be a paramount consideration.

7831. Are you aware that, if a person has a small estate so situated, land becomes valuable to him, either from his power of letting the game upon it to some other person, or from the fact that the quantity he can kill would amply repay him? In the last instance I mentioned, of a small property of 10 acres lying in the neighbourhood of covers, I should say that the owner would not be at all compensated for the destruction of his crops by any game he might kill.

7832. You have stated that on your giving up the preservation of game the game disappeared altogether? Yes.

7833. Was that from poachers? I am sorry to trouble the Committee with my own private concerns, but if I am asked that question I am bound to answer; the game was made over to about four of the tenants, who endeavoured to preserve it, and I believe it was carried off by poachers.

7834. Then the fact of your having made over the game to four of your tenants increased rather than diminished the crime of poaching? Decidedly, for the first winter; but the game was destroyed the first year; *and since that I understand that the poachers have gone to farm labour.*

7835. The game being entirely extinct, the poachers have returned to farm labour? Yes. I doubted whether the tenants would be able to preserve the game; and I was not at all surprised that the game disappeared, because game is much more difficult to preserve than formerly.

Yet not only have most of the owners of what Mr. Pusey designates a small estate for game purposes, viz., 3,000 acres, but the owners of estates of scarcely one-third of that extent think themselves justified in afflicting their neighbours with the plague of game. Now it is impossible for the proprietor or occupier of a farm in whose vicinity game-preserves exist, to protect himself against depredations by game reared in such preserves. On this point the evidence of Mr. Pusey is again most decisive.

7520. From any arrangement which you had made with him (a tenant), could he have claimed any right to compensation for the mischief which had been done him? Clearly not. The gentleman from whose covers the mischief proceeded is a most obliging neighbour, and as soon as I spoke to him he put an end to this extraordinary quantity of game, so that now the annoyance has

ceased altogether; but if he had been any other than a most obliging neighbour, and it had gone on, I have no doubt it would have injured that farm to the extent of £40 or £50 a year.

7521. Did he deny or question in the least that the game had done this farmer the injury that was alleged? This gentleman, who is a friend of mine, did everything that a man ought to do, but which if he had not done, under other circumstances it might have been a serious loss. I merely mention that as illustrating what may occur under the present law.

7522. This neighbour of yours did not consider it a fancy of the farmer? He has abated the nuisance, which is the best test that he believed it to be the fact; I should say that he was not in the slightest degree to blame for it. It was entirely his keeper, who had allowed an extraordinary quantity of rabbits to get up. Knowing the habits of rabbits I did not believe that they could have wandered over a piece of 50 acres in this way, because they generally show the mischief they do; it is generally in the neighbourhood of a cover; but it was examined by my former keeper and myself, and it was evidently the rabbits who had done this. The Committee are aware probably that keepers are apt to preserve too many rabbits for their own interest, as it is their perquisite.

7523. Under the present system the farmer had no remedy at law, nor could he have any compensation except from the bounty of his landlord, in a case where he had been so aggrieved? No; that appears to me one of the hardest cases under the present law. The question of game is generally considered as a mere question between landlord and tenant; but if you take a small proprietor, as I know in another instance, in whose neighbourhood a large quantity of game is kept, I am not aware that he has any remedy at all at law for the injury to his property. I have not the least hesitation in saying that the land of a small proprietor, in the neighbourhood of a large cover, might be injured to the extent of 50 per cent. at least on the rental; indeed it might be rendered almost useless to cultivate it. *That puts me in mind of another thing: one of the points which made me come to the determination of giving up preserving was finding that my own keeper, who had got three or four acres of land near his house in the covers, after cultivating it for eight or ten years, said at last that he must give it up because it did not pay him; it would ruin him; and then it occurred to me to consider what was the case with my keeper's neighbours round the covers.*

7524. This gamekeeper was a tenant of your own? Yes, he had a piece of land.

7525. Notwithstanding the great interest this man had in your continuing to preserve game, he was forced to admit to you that it was doing his own land so much harm that he would be obliged to abandon it? It injured the land, which he held rent-free, so much that he gave it up. *At first he said that he did not mind the rabbits and hares having a share of it, but after ten years he gave it up.*

7526. That led you to look more minutely into it? That was one of the things which led me to examine into it. It appears to

me that one of the most serious evils in the present state of the law, is the utter helplessness of a small landed proprietor or cultivator of his own land; his inability to obtain any remedy from his more opulent neighbour.

7527. That is a case where the preservation of game is an unqualified nuisance to the neighbourhood? It is well known that hares travel one or two miles for food, and they travel generally during the night, and it is very difficult, if not impossible, for the landowner to stop them; and, therefore, it appears to me that there ought to be a change in the law in that respect, and that an action for damages should be given to a small landowner or occupier against whoever keeps this quantity of game which amounts to a nuisance.

7528. Do you conceive that a person who, perhaps, might be considered as abusing his property to this extent, is doing more than exercising the rights which property confers upon him? That is rather a question of philosophy of law. I only speak to the fact that there is a serious injury committed to the neighbouring property, and my opinion is that a remedy might be provided, and ought to be provided for that.

7529. Do you agree in the statement, that in preserving game a person is only doing what he has a right to do with his own; and that a man has a right now to preserve as much game as he chooses on his property? I would rather not enter into the question of abstract right. *I think no man ought to have the right of preserving game on his own property to the injury of his neighbour.*

7530. Do you think that that ought to be a right attaching to property? Would you give any extra protection by law to the nuisance which he is maintaining? Most decidedly not.

7531 You allowed your tenant to destroy the game upon his land; did he give you any particulars as to what he had done in the exercise of that right? Yes, he did. He destroyed the rabbits upon my own land effectually, and he told me that at different times he had been at great expense in putting up a line of hurdles against my covers; but how exactly he endeavoured to destroy the game from my neighbour's land I do not remember. I know that he failed altogether.

7532. Did he give you any statement of the amount of expenses which he was obliged to incur in order to keep down the nuisance? The expense which he had previously incurred by buying a number of hurdles to keep them out, but I do not think that was effectual. I see farmers in the neighbourhood of covers building up their walls five or six feet high in order to keep out the rabbits; that shows their opinion of the loss occasioned by rabbits, otherwise they would not incur that expense.

7533. Do you happen to know whether that tenant of yours took out a game certificate? Yes.

7534. Did he employ any man to kill the rabbits for him? I forget; he and his son were at work five or six weeks in the autumn in grubbing up a cover of mine on his land, and destroying the

game. *I have seen instances now round my own covers, where land which produced nothing before is now extremely productive;* and I believe that in the neighbourhood of rabbits it is not merely what they eat, but on grass land they stain the land, as it is called; they infect it with their manure, so as to render the grass uneatable for cattle.

7535. Do you mean that the hares taint the pasture? I do not know whether hares do; rabbits do.

7536. Have you ever ascertained whether hares do so? No.

7537. What is the effect of the pasture being poisoned by the game running over it in that way: does it become worse for sheep? I have been told by tenants that no animal will eat the grass in the neighbourhood of covers where the rabbits have run about very much. I remember a case which happened to me some years ago with a favourite colt, which I found in a field of three or four acres almost starved, and yet there was apparently abundance of grass; and the opinion which I came to was, that the grass had been tainted by the rabbits, and that the animal would not eat it, although he was nearly starved.

This colt on being removed to a meadow not infested by game, speedily recovered his condition.

And the same intelligent witness suggests that the injured party should have a remedy by action against the game preserver from whose property the mischief has proceeded.

7751. Mr. *G. Berkeley.*] Do you think that a tenant who has the right to destroy hares and rabbits can protect his crops from aggression? I believe not.

7752. Why not? Because I believe he cannot prevent the hares from attacking his crops at night.

7753. You say that a tenant cannot effectually protect himself, and you gave the Committee an instance where you paid damages for a neighbour's game, where the tenant had received considerable injury. In that case, when the neighbouring gentleman who held that preserve of game was made aware by you that his game or rabbits were doing considerable injury, he at once gave the most ample redress? Yes; it was impossible that any man could behave more handsomely upon the subject; but I know that owners of small properties are liable to injury from their neighbours, and I believe they have no remedy.

7754. But in that peculiar case the gentleman was not to blame, the mischief was done by rabbits? Yes.

7755. *Chairman.*] The damage was done by rabbits in that particular instance? Yes.

7756. The rabbits belonging to your neighbour, not to yourself? Yes.

7757. Then are the Committee to understand that the party upon whom the damage was done had no remedy in this particular

instance? What prevented him from killing the rabbits upon his lands? *He tried to do it, and he could not manage it.* I beg to say that my own rabbits had done quite as much injury to the lands of that gentleman as that gentleman's rabbits did to mine, and I had not the slightest cause of complaint. I have no doubt that my rabbits did the same injury to his land for many years which his did in a single year to mine.

7758. But there was no law to prevent your tenant from killing those rabbits which came upon his land? *No; but that was not a sufficient remedy.* It appears to me that that is one most important point which the Committee will have to consider. That is a great mistake that is made by many people who consider this question of the game laws; they consider it a mere question between landlord and tenant. I am perfectly convinced that there is injury done by game on neighbouring lands very frequently, for which the landowner has no redress, *and that it is absolutely necessary to provide redress by an action of damages.*

7759. Supposing you are preserving game, and your next neighbour does not preserve game, do not you think that he has it in his power to kill quite as much of your game as will pay him for any damage which the game does? I do not think so; not in an open country.

7760. You are aware that by law the game belongs to the party upon whose land it is at the time? I am supposing the owner of a small farm, 200 or 300 acres. I am perfectly convinced that, let him do what he will, he cannot prevent the game of his neighbour from seriously injuring his crops.

7761. You are aware that, by the law as it now stands, the game is the property of the party on whose land it is at the time; that is to say, that the ownership of a hare does not rest in the man who bred the hare, or who takes care of the hare, but that it varies according to the locality in which the hare is at the time? Yes. I suppose the most favourable case of an owner of land, who has unlimited power over his own land, and may destroy everything that comes upon it if he can; but I am convinced that he has no power of preventing serious injury from his neighbour's game.

7762. But you concur in that statement of the law which has just been made? Yes; I have no doubt that that statement of the law is correct.

7763. Then, if a hare is bred upon my land, and goes into your field and begins eating your turnips, whose hare is he at the time when he is eating your turnips? I suppose he is my hare.

7764. Then how would you lay your action for the damages done by the hare in eating your turnips, as the damage is done by your own hare to your own turnips? I should think there would be no difficulty; *no good draftsman would find much difficulty in finding words to meet it. You might easily bring your action for damage, arising from keeping an excessive amount of game in the neighbourhood, just as there are certain noxious trades which produce injury to a neighbourhood, and which may be indicted as nuisances; I think*

that an excessive amount of game is a nuisance to the neighbouring landowners.

7765. Every action for damages should be brought for some specific damage which has been done? Yes.

7766. You said that a hare will go two miles? Yes.

7767. But if there is anything peculiarly tempting to them they will stop within that distance? Yes.

7768. Supposing you have a field of mangel, or a field of Swede turnips, how are you to tell whether the hare that has eaten it has come two miles or one mile? That is one difficulty in the case; but I think the injury is so great that we must try whether we cannot meet the difficulty, and I am inclined to think *you might obtain satisfactory evidence as to what preserve was the cause of the injury.*

7769. As to the locality from which the hare had come to eat the turnips? Not the locality from which any individual hare had come, *but as to the locality from which four-footed game was in the habit of coming to commit damage.*

7770. You were understood to say that the action must be laid for some specific act of damage? No, I did not say so; I said for damage arising from an excess of game. It would be very difficult, but I think you might procure satisfactory evidence upon the subject. For instance, in time of snow, you can ascertain a good deal which way the game goes.

7771. But you would not limit this power to the time of snow? I mentioned the period of snow as affording *one means of tracing the cause of the damage;* but I am so convinced of the evil which is suffered now, that I should endeavour to devise some remedy, and leave it to the jury to judge upon the evidence produced.

7772. Mr. *G. Berkeley.*] You are prepared to recommend a greater remedy against the supposed damage done by game than at present exists against the sheep or the barn-door fowl? No.

7773. When you recommend an action for damage done by game, are you prepared to take away the right from a man to kill and sell the hare while on his own land, for his own use and profit? No.

7774. Then do you not give the person a double remedy against the hare over the sheep or barn-door fowl, namely, the right of action and the death of the animal for his own use and profit? It would give a different remedy, but I think only sufficient.

7775. A double remedy? It gives a double remedy, *but I think the difference is only sufficient to meet the peculiarity of the case.*

7776. The only method which you suggest to the Committee of proving whence the hare may have come, is by waiting for a snowstorm? I mention that as one mode in which you could trace animals; but I think, *independently of that, there would be no difficulty in ascertaining the source of the ravages.*

7777. Then, according to what you state to the Committee, it appears that giving to the tenant the right to destroy the game and rabbits in every possible way does not of necessity give him the power of protecting himself? I think not in all cases.

7877. Mr. *Villiers.*] With respect to the extent of damage done by hares, can you state whether they feed by night or by day? I have understood that they generally go out of cover by night to a distance of one or two miles, and that that makes the difficulty of the landowner checking their depradations.

7878. That he must either be out at night himself, or employ somebody? If he is out at night, he cannot check them; it can only be done by setting up wires through the hedge.

7879. Mr. *G. Berkeley.*] Would it not be best to wire them? In a wheat field, not in a turnip field.

7880. Mr. *Villiers.*] You said that it was of great importance that gentlemen should reside upon their estates; are the Committee to understand that you would legislate with a view to induce them to reside upon their properties? I should like to see them residing upon their properties; I think it is extremely desirable that they should reside upon their properties, and improve their properties, and employ their labourers.

7881. The Committee do not understand you to recommend that they should have exclusive privileges with a view to tempt them to reside upon their own properties? One objection that I have to the present law is, the injury which arises to small proprietors, for which they have no remedy whatever.

7885. Mr. *M. Gibson.*] If those small proprietors were entitled to kill the game upon their own land, without the payment of the certificate tax, do you think that would give them means of redress? I think they ought to have that method of redress; but, as I have stated before, I think that would be an insufficient means of redress; I think they ought to have an action for damages.

As additional and confirmatory evidence of the accuracy of Mr. Pusey's account of the artificial system of modern game preserving, the following passages from the evidence of Col. Thomas Challoner, a gentleman who largely preserves game on a small property near Egham, in Surrey, may be given. This class of evidence was adduced by the game preserving members of the Committee, for the purpose of meeting and rebutting testimony which had previously been given of the demoralisation amongst the labouring class, caused by game preserves; and its scope was, that where game is strictly preserved and well watched, there is in fact less poaching than on what Mr. Grantley Berkeley was fond of calling "neglected land," that is, property on which the owner was desirous of preserving game, but did not retain a sufficient force of gamekeepers to give effect to his desire. Now this line of defence of the game laws has proved to be, not only eminently illustrative of the system, but

also singularly corroborative of the sounder views of the subject taken by the noblemen and gentlemen, who had abandoned game preserving from observing its injurious effect upon agriculture and the morals of the labouring class.

The public will not fail to observe that the defence of the game laws attempted by Mr. Grantley Berkeley's witnesses, admits the fact, and adds to the force of the conclusion, that game preserving is inconsistent with high cultivation and increasing population, which results from the evidence of the Duke of Grafton, Lord Hatherton, and Mr. Pusey. The reader will bear in mind, when perusing this portion of the evidence, which is extracted as illustrating the actual system of game preserving, that the order in which the testimony was given is inverted. There will be found in the general statements of game preservers, references more or less direct to the conclusive evidence of injury, in various ways, occasioned by game, the effect of which it was their main object to weaken or break down; the full force of which can scarcely be apprehended until a subsequent division under which that evidence has been ranged in these pages shall have been perused. It was impossible, however, to make any accurate classification without disturbing the chronological order in which that evidence was received by the Committee; and as it is hoped that the reader will go through the whole case, as contained in these pages, when what may at first have seemed somewhat obscure in the allusions of the game-preserving witnesses, will in the end appear abundantly plain. And here, too, let it be remarked once for all, that although the extracts from a collection of the evidence may present individual game preservers in no very favourable point of view, nothing is further removed from the purpose of the writer than to throw discredit upon those landowners who are too fond of game for their own comfort and their neighbour's good. The object is to disclose the working of a most mischievous system, not to wound or expose individuals. There is not the least doubt that a very large proportion of the landowners who preserve game are only imperfectly informed of the real nature or the full extent of the injury which their selfish amusements inflict upon the community, or even upon their own tenants. Now,

Col. Challoner was a witness who insisted strongly on the efficacy of strictly watching game, and severely punishing offenders against the game laws.

The following passages have reference to this point, the witnesses being led by Mr. G. Berkeley:—

1581. Do you preserve game? To a certain extent.

1582. Have you had under your observation districts where game has been strictly preserved, and other districts where there has only been a little, indigenous to the soil? Particularly so since the Prince has preserved in Windsor Great Park. Previous to that strict preservation, I had constant complaints of persons poaching, the sort of poaching which consists of wiring and occasionally taking a pheasant and two or three rabbits, and that sort of thing; and then probably I should have 20, 30, or 40 complaints in the course of a year. As to the other magistrates, I do not know that they had so many, because I lay, probably, more convenient for the keepers; but since the Prince has preserved so strictly, where I had 10 complaints of poaching I have not one now. I should certainly say that 10 per cent. is about the average of what I used to have.

1583. Then are the Committee to understand that it is your opinion that there is more game and more poaching, and consequently greater demoralization, on land where there is only a little game indigenous to the soil, than there is where there is a greater quantity of game well preserved? *Let me confine myself to my own district.* There are no large organized bands of poachers, as there are in some parts of the country; there are no bands of poachers that give much resistance to the keepers. That is a very rare occurrence; and I have no hesitation in saying that, as far as my own district is concerned, *the sharper the look-out for the preservation of game the greater is the protection of game*, and to every other description of property, especially sheep.

1584. Mr. *Bankes.*] And poultry? No doubt about it; everything that is subject to be taken away by amateurs.

1585. Mr. *G. Berkeley.*] You mean by depredators at night? By idle persons out of work, and who, *many of them begin for the sake of the fun of the sport.*

1586. In your practice as a magistrate, is it your opinion that the game laws, generally speaking, are leniently administered, or otherwise? I can only speak as to my own district, and as to my own practice. I have found from experience that the greatest mistake you can commit is, in the commencement of a poacher, to be too lenient to him. Whenever a man has been brought before me, when I have found that there has been no particular actual cause of distress, but that it has merely been more as an idle pastime to him, beginning the system of poaching, I have always given him either a fine or imprisonment, that is, the minor fine, fully up to the letter of the law. I have found from experience in my own

practice, put in opposition to that of other magistrates who have had a different opinion upon that subject, and who have been lenient with them, and given them time for payment, I have always found that I have stopped the young poachers; whereas they have, by the trifling penalty imposed, encouraged them to continue that practice. My own practice has been this: that unless there have been unusual circumstances in the case, as far as the two months' imprisonment went, I have seldom or ever mitigated that punishment in the case of a man who merely went out for the sake of idly taking your game, because I am quite sure that it would lead on to other depredation. But in saying that, I confine myself to my own practice.

1587. Do you find, in your practice as a magistrate, that the poacher is, generally speaking, a man of confirmed idle and disorderly habits? The old ones, undoubtedly. I have even offered work to old poachers at 2s. a day, and before they had been ten days or a fortnight with me they have preferred their night poaching to regular work. I do not believe that in my neighbourhood there is a single good workman, a man who can get employed, who continues poaching; and, on the contrary, all those men who are out of work are more or less, and more especially before the Prince preserved so strictly, every one of them poachers, of the inferior class of poachers, if you may so call it, the minor poaching.

1588. Do you find the poacher, the deer-stealer, the fowl-stealer, and the sheep-stealer to be generally one and the same person? I do not know whether I ought to enter into a history of what took place about 10 or 12 years ago. Mine had been, during my father's time, rather a lawless part of the country; they had been in the habit of poaching on my father's property, and he took no notice of it. I began with having my keepers out at night; and I took three men who had resisted the keepers. It is the only case I ever had of anything like an organized band. They put themselves into such a position that they defied the keepers. I prosecuted them at the assizes, and I told Baron Vaughan the state of the case, and two of those men were transported. There was a fourth man who was not taken, but belonged to the band. I went to him about a week afterwards, and I said, "My friend, I know you very well. Now, depend upon it, I know all your haunts, and you may depend upon it I will hang you if I can. Your plan is to prevent me from doing so." He said, "Sir, it is a very serious thing to say you will hang me; what will you hang me for?" I said, "You have done enough to hang you, as you know very well." At that time sheep-stealing was a capital offence. About three weeks after that he came to me, and he said, "Sir, I want to speak to you." He brought in a bag, containing four knives, a dark lantern, two butchers' knives, and he said, "I have been talking it over with my wife, and told her, that as you had threatened to hang me, and I know you will do it, now I have given up all my business, and here are the implements." "Well," I said, "you are a very good fellow for taking my hint. Now, I will tell you one thing, you

shall never be without a day's work or a week's work at any time during the winter when you require it." That man has been in work 25 years. Now,under those circumstances, I think we are justified in saying that poaching is part and parcel of fowl-stealing and sheep-stealing; at all events, it was in that case, for he was a notorious sheep-stealer. I myself have never lost a sheep since I have been in the country.

Now, doubtless, this shows a rough-handed readiness to put down depredation which may be useful enough in New Zealand, but what can be said for a system which produces such a state of lawlessness within twenty miles of the British metropolis, as to render such rough and ready qualities available? The next passage is a somewhat discussive statement of a game preserver's notions about game.

1590. Mr. *G. Berkeley.*] Do you know whether it is frequently the practice of magistrates to act judicially in their own cases? Never on any account whatever; I never knew any one instance of a magistrate acting, not only in his own case, but even over land that may not be his own, but where he has occasionally the privilege of shooting.

1591. Have you been in the habit of hand rearing game? I have, within the last five years; *I have found it so much cheaper, and in every respect so much better, and doing less injury to my crops;* because I am a farmer as well as a game preserver, having lands in my own hands, and I rear from 150 to 200 pheasants and about a 100 partridges every year.

1592. Do you find that those partridges and pheasants so hand-reared do any harm to your crops? On the contrary, they have been at various times of very great use to me, inasmuch as, in the year 1840 or 1841, there was the black slug upon the turnips, and I should have lost a field of 10 acres of Swedish turnips entirely if it had not been for that game.

1593. Have you been in the habit of placing your game out upon your turnip land on purpose that they should be beneficial in destroying insects? Entirely, whenever I have seen the black slug appearing. But the great year, I think, was 1840 or 1841; and then I put a line of coops with the whole of the young game on the field, where the slug had begun, and they completely stopped it, and saved that field of turnips, which that year was particularly valuable, for there was hardly a farmer who had any turnips in consequence of their being eaten by the black slug.

1594. Have you made any experiments as regards the amount of insect matter or wire-worm destroyed by pheasants? We believe that game, in certain lands, look more for insects and the wire-worm than they do for corn; and from the experience I have had, also confirmed by my keeper, of whom I asked the question not a

fortnight ago, I can state this. You will see young pheasants in a wheat field, either newly-sown wheat or wheat partially up, and you will find their crops full of anything but the seed of wheat. I do not mean to say that they will not pluck off the green, but very partially; but I never saw or heard of an instance of pheasants being found with any quantity of corn in their crops; but I confine my evidence entirely to the wheat crop.

1595. Have you turned your attention to the great connexion which there is between the beer-shop keeper and the poacher? There is no doubt that everything that a poor man can dispose of the generality of the beer-shop keepers will take as payment for beer. Whether your carter is carrying wood to the neighbouring poorhouse, or wherever you may be sending it, he will give a portion of that wood, a faggot or two, or whatever it may be, for beer, if he is disposed. The facilities of the sale of all property through the beer-houses is certainly very apparent in every part of the country.

1596. By the sale of property, do you allude to stolen property? Stolen property; property improperly obtained.

1597. Are you aware that, at present, even if a policeman should meet with a poacher at night, with game in his possession, it would be at his own personal risk of trangressing the law, if the policeman interfered with the poacher? I was not aware of the fact that that was the law; *but I always felt that game has had much less protection by law than anything else.* I will mention a case in point. I will have my crops here, across a field of barley, and my poultry-woman shall have her crops at the other end of this field: a fellow comes at night; if he steals any part of that poultry, it is felony; if he steals any part of that game, unless he takes the coop with him, there is no law that will touch him that I am aware of.

1598. Do you mean that the Committee should understand that the law of trespass would not touch him? If he was actually caught in the fact he would come under the law of trespass, certainly, and there would be a 10*s.* penalty, under a summary conviction of a magistrate. But look, in the same field, at the difference of the case. If he took the animal with a white feather in it, he would be tried at the sessions, and might be transported for seven years. If he took a pheasant, the utmost you could do to him would be, if you could prove that he had trespassed upon your land and took a pheasant, an offence under the law of trespass; *but still it is not an equal protection to the two animals.*

1595. That is, he might be prosecuted under the law of trespass in pursuit of game, if taken with a pheasant upon him? Yes; and besides, it would be out of season; but there are various difficulties in proving that; whereas the other would be a case of felony.

1600. If the man got off your premises with that pheasant safe into the road, and then delivered the pheasant to a certificated man, that man might escape all punishment? Unless it could be positively sworn that some person saw him trespassing and taking the bird.

1601. But if that man was found with one of your fowls in his

possession, which you could swear was your fowl, that man might be proceeded against most severely? Certainly, at the sessions. Therefore, I say, the protection to game is much less than the protection to any other property given by the law as it at present stands.

1602. Are you aware that game at present, by law, is considered in the light of private property? *In some instances it is, and in some it is not.*

Such is the substance of this witness's direct evidence in support of game preserving. Now watch the result of Mr. Bright's cross-examination.

1609. *Chairman*, [*Mr. Bright*] Are you a magistrate for more than one county? Yes; Surrey and Berkshire.

1610. What breadth of land is it that you have in your own occupation? About 1,000 acres.

1611. Have you a right of shooting over more than that? I do not ask for it; my thousand acres are only round the house, and there is another wood adjoining also; it is common land; that is in the manor of Cobham; and the shooting there is given to me, because it is on the outside of my own fences; I preserve the property which forms the shooting.

1612. Do you preserve over more than 1,000 acres? No.

1613. What number of keepers and assistant keepers have you? I found there was always a difficulty between my bailiff and my keeper; *that the two things did not go on well together; inasmuch as if your crops were not good you found fault with the keeper, and if the game was not plentiful you found fault with the bailiff;* [Note this most significant fact, reader;] therefore I united the person of keeper and bailiff, and have assistants in each department; he has an assistant bailiff, and of course he has underkeeper, and that and two men occasionally is the utmost that I have ever had out at night. Allow me to state, that since *I have been breeding game, and killing down early in the year, that is before Christmas, I have found much less occasion for having people out at night.*

1614. How do you account for that? In this way: that breeding them tame, I have certain coops, with three hen pheasants and a cock in each coop, and I breed the eggs myself, the same as I would have poultry; that is, all hatched under hens, and taken out in coops into the fields. Then I do not require to have a large head of game for breeding for the following year, so that I kill down generally before Christmas; and in that way I find that there is little or no injury to my crops.

1615. You are speaking now entirely of birds. Do you mean by stating that you require fewer keepers under this system, that there is really less game at the season of the year when poaching depredations are most frequently committed? Exactly; they are generally killed down before the moonlight nights in December.

1616. You speak of the Prince having commenced a system of strict preservation in your neighbourhood; has he ever been shooting over your land? He has once.

1617. What was the shooting upon that occasion? It was rabbit shooting.

1618. Has the quantity of game very largely increased in the neighbourhood of Windsor Castle since the Prince began to preserve there strictly? Very much indeed. I suppose there is five times more than there ever was in my remembrance, and I was born in that neighbourhood.

1619. Are you aware whether that has been a cause of complaint by any of the tenants in that district? I do not believe that a single tenant belonging to the Crown has complained. There have been gentlemen that have complained, but I cannot say with a great deal of reason.

1620. Do you think tenants of the Crown are just as likely to make complaints in case their crops are damaged as gentlemen who are independent of the Crown or landowners? I think if the tenants of the Crown were to have their crops seriously damaged by hares or rabbits, most undoubtedly they would complain. I believe there are tenants of the Crown that would do so.

1621. Is it within your knowledge that any case of complaint on the part of any of the surrounding farmers has occurred since this system of strict preservation was commenced at Windsor? There is one gentleman who has been writing in the papers complaining, and that is the only one I have heard of.

1622. Have you never heard of the tenants making any complaint? I have never heard of one. I have no doubt they would do so if their crops were injured by ground game.

1623. You stated that cases before the magistrates have diminished considerably, as far as your own experience went; but that, perhaps, you have had more cases than some others, because you were nearer to the keepers. Are the cases to which you allude those that were brought to your own house by the keepers? Those that were brought to my own house by the keepers, some of them. If it is a serious case, I generally order them to come to the sessions, otherwise I dispose of them at my own house.

1624. What is the description of cases which you dispose of at your own house? A person being caught setting wires to take hares or rabbits, and being seen to take up that wire with a rabbit or hare in it, and carrying it away.

1625. What is the evidence which you require in such cases? By law, you must have one person to lay the information, and one credible witness who saw the transaction.

1626. Is it necessary the person who lays information should have seen it? By law that is a matter of doubt with the Judges. Some of the Judges have stated that it is, and others that it is not. The impression upon my mind is that according to the law, it is not.

1627. Then who is the witness generally in those cases? The

under-keeper, or any person who is placed to watch a particular wood or a particular district, knowing that it was open to poaching.

1628. What is the punishment which in such cases you have awarded? As I stated before, if it was a person of loose character, who was beginning a system of poaching, and I knew that it was a case where he might have had work if he had chosen, but that he preferred the poaching, as I stated before, then I thought it was the best principle to give him the full quota of what the law allows, that is to say, the penalty of 2*l.*, and in default, two months' imprisonment and hard labour.

1629. Is that the heaviest punishment that you can award in such a case? It is the heaviest punishment we can award.

1630. Since you have acted as a magistrate during 15 years, how many times do you think you have, on the evidence of gamekeepers or assistant-gamekeepers, convicted a person of a poaching offence at your own residence, and ordered him either to pay a fine or to be imprisoned? I want to be as near the mark as I can; I should say, 30, 40, or 50 times, probably.

1631. As much as three times in a year, perhaps? Yes, more than that: but I do not suppose they have amounted to more than two or three in the course of a year, for the last five years. Since the Prince has come to Windsor, and before probably, I might have eight or ten times in the year. I have been always very careful in taking informations very correctly, and returning them in course to the sessions, according to law.

The following affords a glimpse of the state of supervision which an active game preserving magistrate finds it necessary to exercise:

1673. Mr. *Villiers.*] Is the keeper the witness generally? No, he generally lays the information; it depends upon circumstances; sometimes the keeper lays the information, at other times a third party lays the information, and there must be one witness besides the informer. That has been decided by the Judges within the last two years. Formerly the person who laid the information might act as a witness; that was altered a few years ago, and now, at the back of the form of the information, you have the form of the testimony of the witness.

1674. But supposing a man is detected in the act of poaching, he is forthwith brought to your house by the person who detects him; do not you then proceed in the case? Most undoubtedly; but there must be two people, one must lay the information, and the other must be the witness who saw it.

1675. Who is the person who usually lays the information? Generally speaking, the head keeper lays the information.

1676. And the under-keeper is the witness? The under-keeper or any other person.

1677. You were understood to say that generally the under-keeper is the person most likely to detect the poacher? Yes, or one

of the assistants; there is a vast number of persons who are not under-keepers.

1678. But at the same time are employed in game preserving? Certainly; employed in the game preserves.

1679. What sort of characters are those under-keepers and assistants; are they generally persons beyond all suspicion? No man would ever keep an under-keeper but what was a respectable man, if he knew it, because it is the position of all others where most injury may be done to you through a dishonest under-keeper; and they are all looking forward to promotion.

1680. Are they ever persons who have been engaged in poaching themselves? Not to my knowledge; I do not know of any.

1681. Are you not acquainted with the character of the persons who come before you as witnesses against the poachers? I generally inquire; and of course, in my own neighbourhood, all those who belong to Windsor Park, I know by character.

1682. Have you any opportunities of learning the character of the witnesses in your own parlour, at your own residence, when you are adjudicating? I generally know them in those cases that have come before me. I do not say there never has been an instance of a witness a stranger, but I generally have known something of them.

1683. Have you known them always to be credible persons? I have known them always to be respectable persons. The law says that the witness must be a credible witness. Now, if I thought it was done from spite, or anything of that sort, I should of course have considerable doubt whether I would take his evidence without its being confirmed.

1684. Have you always ample opportunity of knowing whether he is actuated by unworthy motives? In my own neighbourhood; if it was a perfect stranger, I should probably remand him till I made inquiries.

1685. Are you equally well acquainted with the characters of the persons charged with poaching? *Generally speaking, I keep a black list; I used to do it in my book, and when a man was notoriously a poacher, and had been caught repeatedly in other cases, not brought before me, I generally got hold of his name.*

1686. Does that black list apply to poaching only? Depredations, fowl-stealing, and so forth.

1687. Then you have a list of the characters of the persons in your neighbourhood? I do not make that public; I have a list of that kind of men who are notoriously idle drunken fellows, living at the public-house and not at work. If you see a man spending money at a public-house, and that man has no regular work, but still is living at the public-house, you may depend upon it the man gets his money from somewhere. Then the next question is, how does he procure the money? he does not work by day and he is out at night. Then the man becomes a suspicious character; and *I think, although it is not the duty of a magistrate to look out for rogues, it is the duty of a magistrate in his own neighbourhood to know the loose characters about, and to be able to keep an eye over them.*

1688. Upon a man being charged with poaching, you immediately refer to your list to ascertain whether he is a man of bad character? *I look at my list, and if I see that he has been guilty before, of course it confirms any evidence that might be brought against him, in my own mind.*

1689. If a man was guilty once he is likely to be guilty ever afterwards? Not ever afterwards; but if he has been a poacher, having been detected upon land probably a month or six weeks before, and he had only just come out of prison, and the man was again detected, you would fairly say that that man was a professional poacher.

1690. The man being again charged? Again charged or detected.

1691. Do you award punishment upon that principle? Not without evidence; only upon the most direct evidence of the fact having taken place.

1692. But you refer to your list to know what he has done before? Not as a matter of course; *it is only for my private judgment; but I I refer to the list to see whether the man has been charged before.* In confirmation of that, you are aware there are many cases in which the second offence has a greater punishment by law, therefore you are bound to keep a list of that kind in some cases.

1693. Are the Committee to understand that the list you are speaking of is a list of convictions, or a list of the characters of persons? Of course a list of convictions would be an official thing; of course I make a memorandum of every case that has come before me, and I can refer to that. *Then the other list is a list of loose characters about. I do not say that it is an alphabetical list; I merely keep it for my own guidance.*

Another member of the Committee, Mr. Etwall, brings back the witness to a comparison of strict with partial preservation.

1736. You stated that a large quantity of game, in your opinion, did not induce the labourers to poach more than a small quantity; is that opinion confined merely to your own magisterial division, or do you wish it to apply to those districts in England where labour is not so abundant? I think that where there is a large quantity of game, well looked after, persons are out of the habit of poaching upon that estate, because they know they will be caught; and I think that a large wild district, with a certain quantity of game which rises wild, that is not looked after, is a great excitement towards every idle fellow going and becoming a poacher.

1737. Have they not that excitement more strongly when they see the game in greater numbers? When they are well looked after I think they get more used to them.

1738. You were understood to draw a distinction between the damage done by pheasants and that done by hares and rabbits? Undoubtedly, the greatest difference in the world; my belief is, that upon good ground, where there is a very good crop of grain, the usual quantity of pheasants and partridges will do little or no

injury to the bulk of the crop; but on the contrary, in very poor soils, where the straw is very thin upon the ground, there I think they run through; it is not the quantity they eat so much as the quantity which they run through and break down. Then as far as hares are concerned, there can be no doubt that a vast quantity of hares by the side of a corn-field would do a great deal of injury, especially to a light crop, by the continuous paths which they make in every part of it.

1739. Do they not do injury to a heavy crop by the racks which they make in it, and by cropping off the ears? Not at all in proportion to what they do with a light crop.

1740. But they do damage? *Of course they do*, to a certain degree; but I think it is fair under these circumstances to state, that I have heard from farmers in my own neighbourhood that they derive from the preservation of game more than counterbalances the injury that they receive to their fields; that I have heard a farmer state who has a large farm round one of the largest preserves in the country.

1741. That is the opinion of a single farmer? Of that one farmer; but I have heard other farmers confirm that.

1742. With respect to large stocks of rabbits, what is your opinion? I can only say I am a rabbit preserver; *they do me a great deal of injury if they get into my crops, but I keep them out.*

1743. But you think that if your land, immediately adjoining your woods where rabbits were preserved, was let, the tenant would with justice complain of the damage done? No doubt about it; but he would get an equivalent from me. I cannot believe that any tenant would allow my rabbits to destroy his crops without getting an equivalent, and probably more than an equivalent.

1744. Do you think the pecuniary remuneration would be more than the injury to the crops? I have seen, more than once, more money asked for the damage done to a crop than the whole crop, provided there were no hares or rabbits, could possibly be worth.

1745. Have you any objection to state the particular case? I know an instance of that kind; I would rather be excused stating the name.

1746. You said that you shot your game early in the year, and you think that greatly diminishes poaching? Certainly: there is no doubt about it, because the great time for poaching, particularly where there are organised bands, is after Christmas. *There is no doubt that if you kill your game down before Christmas you very much prevent poaching.*

1747. Is not that rather contradictory to your opinion relative to a large quantity of game not inducing poaching? No. I am speaking now of an organized band of poachers who come for night poaching, and I thought that the former question referred to the day poachers that I have been examined about. I opened my evidence by saying, that I had no large bands of poachers in my part of the country. One or two going about is the utmost.

1748. But the one or two going about are most likely labourers

of the neighbourhood? Yes, but not organized bands of poachers.

1749. You reduce the game early in the year, that you may not have large quantities for them? So as to induce the organized bands of poachers to come after Christmas, and also to save the expense of keepers.

1750. Do you think that the circumstance of there not being so large a quantity of game operates to prevent those two or three poachers in the neighbourhood from poaching? *If it is well looked after. The distinction I wish to make is between a country well looked after, and one that is not well looked after.*

1751. Mr. *Trelawny.*] You said that bailiffs and keepers rarely went on well together long? Very rarely indeed.

1752. Is that from an opinion, on the part of bailiffs, that game preserving tends to diminish the crop? It is an excuse to both. The bailiff uses it as an excuse that the hares and rabbits have destroyed his crops; and the keeper makes it an excuse for a small quantity of game, by saying that the bailiff has put his foot into the nests, and destroyed the young hares.

1753. Are bailiffs generally experienced agriculturists, and taken for that reason? They ought to be.

1754. Then they would be pretty good judges of the effect of game upon crops? Perfectly so.

1760. How do you stock an estate with game when you first commence keeping game? The best way is by buying tame game if you can do so, and keep them in coops, and by getting eggs and then hatching them under hens, and taking the hen and coop and everything into the fields.

1761. Where is the tame live game bought? There is a place in Buckinghamshire where a man breeds 1,500 pheasants every year.

1762. With a view to sale? With a view to sale.

1763. Mr. *Vitliers.*] With respect to the farmer you mentioned, who said that he thought that the advantage he derived from the preservation of game more than counterbalanced the injury done by the game, did he mean that he was indemnified by certain pecuniary contingencies? I came before the Committee to answer to things within my own knowledge. The impression upon my mind is of no value to the Committee as evidence. The impression upon my mind from previous conversation was this, that the advantages he derived from the protection to his own property, and the money that was spent in consequence of the preservation of game, counterbalanced any injury that the game did. He said, "I would rather that my landlord preserved game and lived in the neighbourhood, than that he did not preserve game, and I had my farm without them, because I think I gain more than I lose by the preservation;" that was a very large farmer, but I would rather not mention his name.

1764. He was a singular instance? I quote the instance of that farmer saying that, and that the impression upon my mind is, that

it is the opinion of a vast proportion of the farmers of England. I have heard farmers say, that the residence of country gentlemen, which is induced by the preservation of game in their neighbourhood, is of so much importance to the neighbourhood in general, that it more than compensates for any little pecuniary loss that they may meet with from the preservation of game.*

1769. Mr. *C. Berkeley.* Are you aware, as a game preserver, that you cannot rear game without insect or other food to maintain them? From experience, I have found that you never can rear young game in a shut-up place of any description, no matter how large, nor can you ever rear young with success upon the same spot two years following; they always require to be taken to a different locale; and my belief is, that it is in consequence of the insects and seeds, and matters of that kind that are in the soil, which are quite necessary for the rearing of young game. I never had any difficulty. I should think that out of 150 eggs, I raised 130 or 135 pheasants, provided those eggs were laid down in my cubs; not those that were taken, because sometimes you take eggs that have been laid before the cocks have been with the hens, the pullets' eggs; then of course you have a failure; or if they have been frozen, as it was last year.

1770. You think it impossible to rear game without a certain quantity of insect matter? Undoubtedly.

Can anything be more artificial and unnatural than this game system, for the maintenance of which a special code of extreme severity is to be perpetuated?

Another and a very different kind of witness, and who has had experience, at a former time, as a game preserver, will be found in Lord Hatherton. His lordship was examined by Mr. Villiers, and gave the following account of his own abandonment of game preserving; and when his lordship's exertions as an improver of land, and as a practical agriculturist are remembered, it will be singularly instructive.

7264. Over what quantity of land have you preserved the game? Over nearly 13,000 acres immediately about my residence.

7265. Have you had great opportunities of observing what is the result of strictly preserving game? I have; and I have no doubt that a very extensive and strict preservation of hares and rabbits is most injurious to land in every way. Some years after I had been a game preserver, I became also an extensive improver of land. I enclosed nearly 4,000 acres of waste on various parts of my property, and I consequently became a great farmer. From that time to the present I have seldom had less on my hands than 2,000 acres of

* Mr. Challoner's anonymous farmer will be found to be a solitary example of a game-admiring tenant.

land under improvement. *I found, to pursue the two occupations, a rigid preserver of hares and game generally, and an improver of my land by planting and farming, perfectly incompatible.*

7266. Do you say that you had not land in your occupation when you first preserved game? I had, but it was principally grass land; *I had not begun to plough or to plant. I soon found, as a farmer desirous of introducing among my tenantry and into the neighbourhood a better system of cultivation, that it was utterly hopeless to do so unless I completely destroyed the hares: for the attempt merely to reduce them was useless, for a good season repaired their numbers to such an extent, that I found there was no effectual means but entire destruction.* Without that I saw it would be hopeless to introduce upon the light lands those crops we ought to have, such as not only Swede turnips, mangel wurzel, carrots, vetches, but lucerne, and other crops of that kind. I have consequently entirely destroyed the hares, or at least destroyed them as far as practicable over about 8,000 acres of my property, and I have also completely destroyed the rabbits. The result has been, that I have not only been enabled to plant extensively without that depredation which formerly obliged me to replant covers, perhaps two or three times, and it has not only enabled me to rear beautiful fences on a completely barren soil, but I have introduced the cultivation of those roots to which I have before alluded; and I believe that my tenants have found equal advantage from it.

7267. What was the kind of land that you preserved game on before? I preserved it not upon stiff and rich lands, but upon lands of a medium quality, neither very stiff nor rich; but the greater portion of it was upon a light gravelly soil, on which crops came slowly in the spring, except under favourable circumstances.

7268. Is that the description of land over which you ceased to preserve? The land over which I have ceased to preserve is principally of the latter character; when I speak of having ceased to preserve, I allude especially to hares and rabbits.

7269. Are the Committee to understand that you would have been indisposed to have invested capital in the improvement of that land if you had not the power of destroying hares? *I should have thought it perfectly idle to do so.* A large portion of my property adjoins Cannock Chace, belonging to the Marquis of Anglesey, which is of course covered with a variety of game, especially hares and rabbits; and in spite of all I can do the parts adjoining are consequently replenished from thence, but still I am able to keep them down sufficiently for every purpose.

7270. Would the capital that you employed on that land, or that was necessary to improve that land, involve a considerable amount of labour? Very large indeed. I have planted in the course of my possession of my property some 700 or 800 acres, and I have had the greater portion of the 4,000 acres of waste land at different times on my hands. I have still a very large proportion of it. Formerly not an individual was employed on it; I now have a very large establishment of farm servants, and I have made several large

farms of the remainder of the land, that portion of it which I do not occupy myself. Altogether the expenditure of capital and the employment of labour have been greatly increased.

7271. Are we to understand that the land was not productive before you occupied it? There was a rabbit warren over several hundred acres of it, and sheep were depastured on it to a certain extent, in the same way that they do on commons that are not absolute heath, though a large portion of those were covered with heath.

7273. Do you occupy those 8,000 acres, or do you let it? I occupy about 2,000 out of that 8,000, and perhaps there are 1,300 acres of wood besides, which is in my own hands; all the rest is in farms averaging from 250 to 400 acres.

7274. There is no reluctance on the part of the farmers to occupy those lands, on the terms on which they take them, referring to the power of destroying game? None whatever; on the contrary, since I have destroyed it, *I perceive there is an infinitely greater degree of confidence on the part of the tenants in their expenditure; and it has happened to me, within the last two or three years, to have received indisputable evidence of my character as a destroyer of hares, it having turned very much to my account, in a better class of tenants having offered themselves for my farms when they have been vacant.* I have had very few vacancies on my estate at any time, but it so happened last year I had three good farms vacant; in two instances by the death of the parties, and in the other by the retirement of a female tenant; and I know from my steward that a great number of the numerous candidates that applied for those farms stated to him that the principle motive for their wishing to live on my property was, their knowledge that they should be free from the devastation of game; and some of them stated that they had suffered much by it elsewhere.

7275. May we infer from that, that it is a prevailing opinion among farmers that game does them extensive damage, and that it makes a great difference to them in the terms on which they engage with their landlords, whether the game is destroyed or whether they have the power of destroying it? *I have not the remotest doubt of it; I know that nothing is more common than for large landed proprietors who are extensive game preservers, to say, "My tenants are a capital set of fellows; their fields are covered with game; they never make the slightest complaint;" but I have known those same tenants give a very different account of their feelings to others,* and there can be no doubt there is a general repugnance on the part of the tenantry of the country to have their farms largely covered by hares.

7276. Would you be of opinion that no good farmer could so occupy any quantity of land without making that inquiry, without some stipulation with respect to the game? I think no sensible farmer would take a farm without making some stipulation. There is a great difference in the quality of land: very rich deep soils, which suck up the grain sown quickly in the spring, are less liable

to depredations from hares and rabbits than poor soils; on rich farms, therefore, the tenants are generally less solicitous about it; but I hold that on poorer soils, or soils of even average strength, a great quantity of hares and rabbits ***are a most serious injury to the occupant and the landlord.***

7277. If the tenant has not a distinct understanding with the landlord as to the game, you consider he has made an improvident bargain? I do.

7278. Do you know it does occur occasionally that the farmers do enter on the land without making any arrangement with the landlord on the subject? Farmers are very fond of a particular district of country in which their families and friends live; and if in such districts the prevailing practice has always been to preserve extensively, they submit to it as a matter of course.

7279. Is there a great competition for land? I think very great.

7280. It would be quite possible for a farmer to suffer great damage from the game, and yet not to make any great complaint, from its being the custom of the country to take land without stipulation? I have observed that to be the case in some districts of England; ***it is difficult for a farmer to find a good farm on which game does not abound.***

7281. Have you ever made any calculation as to what is the loss on a farm if game is preserved, and what would be the amount of fair compensation to give to the tenant? No, I have not; but I know that when I was a minor, and the property which I now have was in the hands of trustees, that was in the years 1812 and 1813, my estates were re-valued under their direction, and that the valuer professed at that time (it was a time of very high prices) to have made a considerable diminution in the amount of rent in some instances on account of the liability to trespasses from game. I think in some instances it might have gone so far as 10 per cent.

7282. ***Chairman*** Mr. ***M. Sutton.***] Damage for game? Yes; but prices fell soon afterwards, and I found it necessary successively to lower my rents, first 10 per cent., then 15, and subsequently 11 per cent. If, however, at the period of the latter reduction, which I think was in the year 1884, ***I had resolved on the utter destruction of the hares and rabbits over the poorer land on my estate, I should not have been obliged to make that reduction.***

7283. Mr. ***Villiers.***] You do not think it an extravagant compensation if the tenants were to demand 10 per cent. or 11 per cent. reduction, in consequence of the preservation of game? The amount that a tenant should ask must entirely depend on the quality of the soil he occupies, and the amount of game to which he is liable.

7284. But is it your opinion, that the amount of reduction which the lowness of prices compelled you to make was only equal to what would be a fair compensation for the damage done by the game? I think such was the case in the instance of the last reduction, which was about 10 per cent., in 1834, on the farms of poor soil.

7285. Have you observed, since you have destroyed the hares on your property, any disposition on the part of the farmers to make improvements? Very great indeed; I am quite confident that improvements of various sorts, in the destroying of fences and the making of new fences, extensive drainage, and the introduction of other roots not hitherto cultivated, would not have been undertaken if they had believed that their improvements would have been subject to the former depredations by game.

7286. Have you any experience of tenants holding under you before you destroyed the game, and still retaining their occupation since you have destroyed the game, as to the improvement of capital on the same land? I conceive I have already answered that question in the former one.

7287. You have spoken only of a certain proportion of your estate, on which you destroyed the hares. Now, on the other part of your estate, on which you have not exterminated the hares, do you allow the tenant the power of coursing or of otherwise destroying the hares? Yes; I still preserve the game on perhaps a third portion of my estate. My original love of sporting is not eradicated; and I am very glad, with their entire concurrence, to preserve the hares on a certain part of my property; but I do it with a perfect understanding on their part that they are at liberty to reduce them by coursing to any extent they please. One of my tenants, by an arrangement I have made with him under peculiar circumstances, has the absolute right of destroying the hares; and the others, who are all wealthy men and large farmers, preserve them or destroy them exactly in the proportion they please.

7288. Is that an arrangement which you have found generally satisfactory? Most satisfactory.

His lordship would take hares from the list of animals of game.

7291. Mr. *Villiers.*] Would you think it expedient to put the hares now on the same footing as rabbits? I should be extremely glad to see hares taken altogether out of the class of game, and put on the same footing as rabbits. I believe it would correct a great amount of evil, affecting material interests both of tenant and landlord, and affecting the moral condition of the lower orders: and it is the simplest and the greatest improvement that could be made in the game laws.

7294. Rabbits, in fact, by the law are not considered game? They are not game.

7293. The game law at present consists in a Trespass Act, which contemplates a trespass in pursuit of game: that is the principal provision of what is called the game laws at present? With reference to the game laws, as regards the day occupations of the poacher.

7298. If there is any difference in the offence in the pursuit of rabbits, and in the pursuit of game, would you place the hares on

the same footing as rabbits for the future? Certainly; my object in enacting that hares should be no longer game, would be to give the owner of a small property, who does not like the expense of taking out a licence, the power of destroying them.

7299. In your experience of the mischief that hares do upon a farm, are you of opinion that they ought not to be specially protected; that the preservation of them should not be specially protected by the law? I am of that opinion, both as regards the interest of the landlord and the tenant. I am of that opinion also, because I think the great inducement which a great abundance of hares presents to poaching, is the immediate cause of a great deal of other crime; but the main reason why I desire to see that change is, to give the occupant of small quantities of land, adjoining the preserved estates, and especially coverts, which very likely are not the property of the occupant's landlord, the power of reducing the mischief by the destroying and disposing of the hares.

7300. You do not deny the rights of the proprietor to do what he likes with his property, but you do not think that where he so uses his property as to occasion a great nuisance in his neighbourhood, he ought to have that nuisance specially protected by law? Certainly; I do not deny or question in any way the right of the owner to do as he pleases with his own property; but I think it shamefully unjust in the law to give him the power of an indirect use of another person's.

7301. Is it your opinion when the law does protect this abuse of property, that it gives a countenance to it in the country, and the custom is not thought to be reprehensible? Exactly so.

7302. Now you refer to persons who occupy land in the neighbourhood of persons who preserve game; is it possible for those occupiers to hold under landlords who are not preservers themselves? Certainly.

7303. Would those occupiers have any claim on their landlords for compensation for the damage done by the game preserved in the neighbourhood? Such cases are numerous, and of course they have no claim for redress, except a moral one, on the party from whom the injury has proceeded.

7304. Would you consider that a case in which the occupiers of land in this country sustain an unqualified injury from the preservation of game? I think that class of occupiers do sustain that description of injury.

7305. Are you aware what is the sum which any person pays for a certificate or licence to kill game? I think it is £1 10s.

7306. Is it the case that no person can shoot game without paying that sum for his certificate? No one can do it safely.

7307. Then in the case to which reference has been made, in which a farmer is overrun with game, though he does not hold under a landlord who preserves it, he must first incur that expense before he can destroy the game himself? He must, unless he chooses to invite some person who has a licence to do it for him.

7308. Now, in any of those cases of which you have any experience, where persons are overrun with game, would it take up much of their time if they became the destroyers of it themselves? It would; I know many tracts of country occupied by very small tenants adjoining extensively preserved districts, in which the parties could very ill afford indeed to take out a licence, and to expend their time in doing themselves justice; and if they had those means, if they had money and time at their disposal, many of them would not possess the requisite skill.

7309. And to keep down the game they must either devote a large portion of their time, which might be otherwise better occupied, or must hire persons for the purpose? Certainly; but if hares were put in the same category as rabbits, they would very easily destroy them by wires and other means.

The certificate duty is imposed for the sake of preserving game.

7312. Mr. *Villiers.*] Is that with a view to mitigate the hardships which now fall on the occupier of land who may have a right to destroy game, but must first incur this expense? I would advise it with a view to do him justice, and as a means of assisting in the general reduction of hares.

7313. Are you aware that any man who is found guilty of offending under the game laws is liable to a double penalty in consequence of offending against this law, or what may be called the revenue law? I believe in some cases he is; if he has not a licence he suffers in the first instance for the trespass, and then for not having a licence.

7314. Do you consider then that this tax is an additional protection to the preservation of game? No doubt it is; it has been so decided, and I conceive it is.

7315. Do you believe it is for the purpose of protecting game or for the purpose of revenue that this tax is imposed? I have no doubt it has been maintained for the purpose of protecting game; its amount is so small, that for the purposes of revenue I think it might long ago have been dispensed with. I believe it is only between £100,000 and £200,000 a year.

7316. Do you know whether it is common for poachers to pay for a certificate for a right to destroy game? I have known such cases, but I believe it is very uncommon.

7317. It is a double power which the game preserver has over the man who destroys game, that he can first pursue him under the game law, and then for violating the revenue laws? Yes.

Although during the last thirty or forty years, game preserving has greatly increased, the force of public opinion is now beginning to operate upon a few preservers, and preserves are in some places being abandoned.

7337. Mr. *Villiers.*] Have you any doubt that further restrictions now on the sale of game, would have any effect but that of increasing offences against the law? I think that further restrictions will have that effect, and the mitigation of the laws will produce a contrary effect.

7338. Have you any reason for believing that poaching has increased more of late years than before? That question would be answered differently in different districts; in the county in which I reside, the population has increased with amazing rapidity; crime has increased with it, and I have no doubt it will be found there are more commitments to gaol for poaching, but I very much doubt whether there is any proportionate increase.

7339. Do you know that the battue system is a thing of modern date in this country; the excessive preservation of game, and the excessive slaughter of it, within a short time? As far as I know I should say it has sprung up within the last 30 or 40 years, and did not exist previously.

7340. It is not being discontinued at all in any part of the country at present? I should say from what I have heard, that the preservation of game is less extensive and less rigid now than it was two or three years ago. I have reason to think it is so in consequence of inquiries I have been obliged to make for keepers, for myself and other persons, and I have found from their reports, that many preserves are being given up.

7341. Do you think it is on account of the injury that it is supposed to do to agriculture? It no doubt arises from a variety of causes; from that motive with some persons, as it is with me; from economy with others.

7342. Whatever may be the motives that people have, do they generally proceed from the evils produced by game? I imagine that to be the general cause.

7343. They are generally economical or social evils, and some people in the present day have been led on that account to discourage the preservation of game? I have no doubt, generally speaking, it is from motives of economy.

7344. Was there any proposition made in the House of Lords this year by Lord Dacre, or any other person, for giving compensation to farmers who have been injured by game? Yes, it is the principal part of Lord Dacre's measure. I have not seen it since the Bill was committed and altered; but I have very great doubts with respect to that arrangement answering; I think it will lead to a vast deal of litigation between game preservers and tenants, and that small attorneys will reap a plentiful harvest from it; but I doubt very much its producing the effect which his lordship expects; nor do I think that any change will do it so effectually as that of taking hares out of the class of game, and giving every man the right to destroy them on his own land.

As will be seen from subsequent extracts, that the game preservers on the Committee endeavoured to show that the strict

preservation of game, and the employment of a large number of keepers and watchers, has the effect of preventing crime generally. Mr. Pusey, treating that as an idle fancy, says,

I have often heard it discussed what would be the effect of abandoning the preservation of game in the increase of other crimes; but it appears to me that those who suppose that other crimes would be increased by the abandonment of preserving, forget that there is a very large part of the country in which there is no real preservation of game at this moment.

7581. And that crime did not increase immediately in proportion to the absence of those offences which are called game-law offences? I have never heard of any difference in the amount of sheep-stealing, or any other offence, between the unpreserved and the preserved parts of the country. The only change I have found since giving up the preservation of game upon my land, was, that there was more depredation on the woods; some of the limbs of the trees have been broken, *but that has been put a stop to by merely sending a person to look after it.*

Though Lord Hatherton gives it some countenance, it seems that the police would effectually protect other property, while the game leads to endless dissatisfaction.

7356. Mr. *Villiers.* Do you adhere to the opinion that this advantage, of protecting a particular estate preserved against outrages committed on it, is not sufficient to compensate the evil done by the preservation of hares? I entirely adopt that opinion; I adopt it the more willingly, because, although I destroy the hares, I preserve my feathered game.

7357. Is there a rural police in the county of Stafford? There is a very effective one.

7358. Then property would be protected, although they generally did not preserve game in the county of Stafford? It would.

7359. Did you make any observation at the time that you preserved game, and have you observed since the effect upon the labouring classes of preserving game? I have not observed any disadvantageous effect on the labouring classes, excepting in so far as it ***holds out an inducement to them to become depredators, and initiates them into crime.*** I have not observed that it has produced any ill feeling between landowners, being game preservers, and other classes: but between the landowners and their own tenants, and the tenants of other people adjoining their preserves, I have observed, and entertain no doubt, that the state of the law does produce a great deal of dissatisfaction.

7360. The law produces a good deal of ill feeling between landlord and tenant? Yes, although the tenants are backward always to express it.

7361. Do you believe that the offence of poaching is regarded by farmers, or the middle classes generally, as an offence equal to any other for which men are convicted and sent to prison? I do not think it is.

7362. Do you think the tenants regard a poacher, who to a certain extent diminishes this cause of evil to themselves, with a lenient eye? I have heard tenants say, that they look upon a fox and a poacher very much in the same light; glad to be relieved of their superabundance of game by either means. I have heard them say so jocosely.

7363. Do you believe that a tenant would not employ a labourer if he heard he ever had been guilty of poaching? I think very few tenants, living under landlords who preserve game, would employ a poacher upon their farms.

The following extracts from his lordship's examination by Mr. Grantley Berkeley, at once corroborate the views before expressed, and afford some insight into the system of game preserving, and the temper of game preservers.

7383. Mr. *G. Berkeley.*] If you were understood correctly, you think that preserving hares and rabbits to a great extent is attended with bad consequences? I do.

7387. Do you think, supposing the right to destroy hares and rabbits were given alone to the tenant, that he could find time to do it, without assistance from his landlord? That depends upon the quality of the tenant; I conceive he would easily, if he had the right; he might employ another person with snares to do it, if he pleased, and he would find a profit in doing it.

7388. Do not those snares destroy winged game as well as ground game? Not if skilfully used.

7389. Do you think that employing a person on his land to destroy hares and rabbits, would tend to introduce a person who might destroy all other game? I have not found that to be the case in my own experience. I have used snares very extensively, and a great number of persons are employed in doing it. I could not by any other means keep down as effectually as I do, my hares and rabbits. I do that so effectually, that the Duke of Bedford the other day showed me a letter from his steward, who had spent a day in riding over my estate, who had reported to him, that one of the things that he found most worthy of observation, was his not seeing throughout the day a single hare or rabbit.

7390. Do you think, if the power alone were given to the tenant of destroying rabbits, he would be able to keep his farm sufficiently clear, without going into the landlord's woods? That depends on the extent and situation of the woods and lands; there are many cases in which he would not; there are others in which he might easily do it; I think that an object of that nature would not be satisfactorily accomplished, except by the co-operation of landlord and tenant.

7391. You have stated that you have planted a great deal on your estate? Yes.

7392. Have you found that your plantations suffered as well as your tenantry by too many hares and rabbits? *Very much indeed.*

7393. Was that the chief reason why you destroyed your hares and rabbits? No; it had very great weight with me, but the destruction of fences, which I was obliged to make to a great extent, had still more; but I may safely say, that from the experience of the injury done to myself as a farmer, made me feel very eager indeed *to relieve my tenants of the mischief.*

7394. Suppose a tenant takes his farm at a game rent, at a lower rent than land without game, on account of the game, do you think that is one way in which the objection might be met? If the parties make a contract of that kind, they have nothing to complain of; but I think a liberal permission to the tenant to destroy hares would be the more politic and satisfactory arrangement.

7395. But at all events you think it had better be left to the mutual arrangement of the landlord and tenant? In all cases I am of that opinion.

7396. You have said that since you lessened your stock of hares and rabbits, having farms to let, tenants of a better class or description took them? Offered for them.

7397. Now, might not that have been because those tenants who took those farms were pleased at having the right to sport? Over two-thirds of my estate I have left them very little to sport with, for you cannot find a hare or rabbit; over the other part it may have had its inducement.

7398. In giving them leave to course, do you restrict them to certain times of the season; being a game preserver, you are aware that at certain times of the season pheasants and partridges are lying about? Every year I give them unlimited permission during three months, November, January, and February.

7399. What is the rule of restriction before and after that time? That there shall be no coursing, that they should preserve; that applies only to one-third of my property.

7400. And as to the rest of the property, what is the rule? There are no hares nor rabbits; the rule is utterly to destroy them wherever they can be found.

7401. Have the tenants permission, where there are no hares or rabbits, to look for them, and do you make any reservation as to the time they shall look for them? The question has not arisen; the hares are so few that it is not worth their while, and the rabbits that will be propagated on light soils in extensive estates, in spite of every effort to subdue them, are consequently destroyed by them. I require them to destroy them. I express my wish that they should destroy them everywhere.

7402. Do you know whether it is generally the custom on estates where game is strictly preserved, that the tenant takes the game on the farm into his consideration before he makes an agreement with

his landlord? I think he does always, but it not uncommonly happens, after he has taken the farm, the landlord becomes a preserver, or the farm falls into the hands of somebody that does, and he finds himself in a scrape.

7406. You stated that the game in two great seasons of drought would have destroyed all the crops? In one great season of drought, which was the year before last, on the lighter soils of a large portion of my estate, I do believe that if there had been the same amount of game that I had in 1826 or 1827, that the crops would have been utterly destroyed.

7407. Why did that peculiarity attach itself to a dry soil? Because on a poor soil such a drought as there was the year before last, the blade of barley and wheat could hardly get through the ground; it was kept down to a very late period, and the game could naturally have kept it more effectually down.

7408. Do you find that good farming is a protection against damage by game? Good soils and good farming certainly would secure a tenant against loss from game more effectually than bad soils and bad farming.

7415. Are you aware at present that it is in the power of the landlord, by agreement with his tenant, to protect his rabbits as much as his hares? Certainly.

7416. Are you aware that there is a vast deal of difference between the habits of the hare and the rabbit? Very great.

7417. Are you aware that the hare will stray by night much farther than the rabbit? He will travel miles to the nearest field of Swede turnips, and still further to carrots.

7418. And that he will travel a very long way to particular downs, on which the hare is very fond of feeding? Yes.

7419. Do you know on that account the hare may stray across a very narrow portion of land belonging to persons who never feed him, and that in doing so it may be caught by snares? No doubt that is the case.

7420. Are you aware that in snow the hare also travels to the same extent, and that if the certificate were taken from the hare it would be better worth a person's while to go out with guns at night? I am aware that the hare travels great distances in snow; it is the snow very much that proves the distance that he travels.

7424. Would not the recommendations that you have placed before the Committee tend to the decrease of the quantity of hares? I think, and I hope, they would.

7425. If the quantity of hares were to decrease, is it not of necessity that their value should increase? Certainly, I think that is so; but in many districts now a hare cannot be procured at all: in districts where there are not large towns there are seldom persons who take out certificates.

7426. But if you increase the price of the animal, and at the same time take off the restrictions for obtaining it, do you not offer an additional inducement to the lower orders to go out at night?

If the prices increase, you certainly increase the inducements to the poacher; but I think if others than very large game preservers had the power of supplying the market, if by the reduction of the certificate, or by taking hares out of the class of game, you allowed the small proprietors to do it, they would turn any little game they might have to account by selling it to the neighbouring dealer, and you would have the market supplied at periods when it is not supplied now. I have always observed, in the county in which I reside, there is very little game supplied by the large game preservers, excepting in the months of November, December, and January. The previous months, during which occur the races and other meetings of public amusement, during fine weather, game dealers are very badly supplied, which arises from the circumstance that they must necessarily derive their supplies, if they choose to acquire them legally, from the large game preservers; but I think it would be a very great improvement in the law if those parties could get supplied earlier in the season. I have had representations from game sellers at Wolverhampton and Walsall, where I generally send my game, where I send a large portion every year, and all the large proprietors of Staffordshire do the same, that they cannot procure it in anything like sufficient amount at those periods when they most want it. I think the alteration I suggest will be the means of giving them such supplies.

7427. What is the time that you state these additional supplies are demanded? In September and October.

7428. Are you aware that in September there are very few hares except leverets that are good to eat? There are not many; but few persons will kill leverets and sell them, if they wish to acquire them.

7429. It has been inferred by the witnesses before this Committee, that there is an objection to a landlord selling his game; do you see any objection? Not the slightest; on the contrary, every inducement should be held out to them to do so, and in that part of the country where I reside they do it very largely indeed; and I am convinced, during the months I have mentioned, there is in that county infinitely less poaching going on than at any other period.

7430. Was it with a view to putting down poaching that the legalized sale of game was made an established law? That was the object of some; but more generally the object was the general feeling of the infamous injustice of not allowing any persons who had the means of procuring it for money the right to do so, and to eat it, unless it were given to them.

7431. Is it your opinion that the law with regard to the sale of game should be in any way amended or altered? Those alterations which I have suggested would produce an excellent effect; I have no other suggestions to offer.

7432. Are you aware that at present the legal demand for game early in the season, when man's appetite is freshest, and most requires a supply of novelty in London, it is totally impossible that

it can be legally supplied by the producer of the article? I am not aware of that; I conceive that grouse can be, and are sent up from Scotland in ample time, and I am afraid rather earlier than the legal time for the supply of the appetite referred to.

7433. Are you aware that after 12 o'clock at night, on the 12th of August, it is legal to demand the grouse? Certainly.

7434. Then how is it possible for those grouse which are in Scotland to be supplied to the market by that time? It is impossible legally.

7435. Are you aware that to provide against the demand which they know will take place, poachers send up to London an immense quantity of illegally killed grouse, on purpose to supply that demand, because they know the legal producer of the article cannot afford it? I have no doubt it is so, because I see the article here; where it comes from I do not know.

7442. Do you say that the small occupants who are without certificates could not do themselves justice as to game? Without certificates they certainly cannot, and with a certificate, in many cases, they would do it with difficulty; they cannot afford the time, and they do not possess the skill, requisite for the purpose; and many a kind-hearted man in that class of life has a great reluctance to do himself justice by what he thinks his neighbour might regard as a violent act, and from those motives they do submit, there can be no doubt, to very great injury.

7443. Then you do not think that the remedy you propose as to the reduction of the certificate would be an effectual one? I should be very glad to see the reduction of the certificate, on various grounds, but the more effective remedy would be taking hares out of the class of game.

7444. Of what class of persons do you believe the poacher to be; is he a man of other crimes, a man of bad character? I think the habitual poacher has generally been an idle fellow who was fond of the enterprise, and who had been gradually drawn into the habit of that occupation.

7445. Do you think that the poacher is a man of drunken and dissolute habits? I do not know that he is more so than many other workmen.

7446. You have stated that you think a man has every possible right to do as he likes with his own property, but that he should not have the power to infringe on anybody else's? Yes.

7447. In what way do you conceive a game proprietor has the power of infringing on another person's property? For instance, an extensive preserve of game in a covert, with lands belonging to other farmers adjoining, which farmers, perhaps, are very small occupants, who cannot afford to pay for a licence, necessarily has his game bred and fed on their lands, and at their expense: their crops are greatly injured by it, and except at serious cost, and at the very heavy cost of personal disobligings and quarrels with their neighbours, they cannot do themselves justice.

7493. Mr. *Cavendish.*] You stated, in your opinion, that gentle-

men preserving should do so very much at their own expense, and should not look to the assistance of the county police; what is the distinction you draw in your mind between game and other property?" I did not state absolutely that they should not have the aid of the county police; on the contrary, I stated that I thought the county police, if they knew of any case of poaching about to occur, or that had occurred, ought to give information; but I did state that game preservation was an expense which ought not to be thrown on society at large, but should be provided for by those who chose to indulge in it. I am not prepared to say that I think the property in game is not entitled to as much protection from the law, and from those who are employed to enforce it, as any other description of property.

7494. Do you think, being a property more exposed to depredation, people who choose to indulge in it should take means in proportion to defend it? I think they should.

7495. Mr. *Villiers.*] Have you ever made any calculation what increase of the police force would be required, if the police were required to preserve and protect game? If gamekeepers were done away with, and it was required of the police to preserve it as effectually as gamekeepers now do, I should find it difficult to answer that question. It would require an immense increase, because there is no doubt whatever that there is no more effectual night police in rural districts than the keeper and his assistants. The keeper is generally a man of great intelligence and very extensive acquaintance with his neighbourhood, aware of all the localities of it, and the characters about it, and is generally able to do his work of protection very effectually.

7496. The police do not take cognizance of breaches of the game laws? I rather think they would.

7497. Would a policeman, if he saw a man with a shooting jacket and a net out of his pocket, think it right to seize that man and take him before a magistrate, and charge him with being in the pursuit of game? I do not know what he would do on a field, he would not on a road; and I hear very extensive complaints indeed among game preservers and magistrates, that the law does not allow them to seize such persons on the road. I believe it is a defect in the law, a very great one indeed, and it would be highly advantageous to alter the law in that respect.

7498. It was with respect to that additional duty which the magistrates and preservers in the county of Stafford would impose on the police, that you were asked whether you could at all inform the Committee what additional expense it would put the county to? I think it would not put them to any if the rural police had the power; where they see any man with notoriously the habits of a poacher passing, and have reason to know that he has nets and implements about him, their seizure of him would not occasion any expense whatever. It is notorious that in the town of Stafford there are a great many men whose principal occupation is the poaching of game, or the netting of fish; those men are continually seen

coming from places where they are known to have been employed in unlawful pursuits during the night, with their implements about them, and I understand that the police have no power to arrest them.

7499. Then you confine your opinion as to the police interfering in game cases, to their meeting suspicious characters, or meeting people under circumstances when they presume they are guilty, and treating them like other persons who have been guilty of other offences? Yes, I do.

7500. Would you consider it advisable for them to do as they do in other cases, go to places where it is most likely to find a poacher in the woods at night? No.

7501. You would not consider it necessary for them to take any active steps to prevent poaching or to apprehend poachers? I would not think it desirable for them; indeed I am quite sure it would not be practicable for them to take on themselves any part of those duties which are acts performed by gamekeepers and night-watchers.

7502. If they were to take any active steps to apprehend poachers, or to prevent poaching, would it not be necessary to increase the force? I think it would not be necessary for the purpose of taking such steps as I mentioned before.

7503 Then the question is, if they take more active steps to prevent poaching, and to preserve game, whether the force must not be necessarily increased? I think it must.

Mr. Grantley Berkeley, who is certainly the most adventurous defender of a vicious and obsolete system, put forth a notion,—was the question a less serious one it might be called a "pleasant conceit,"—in natural history, viz., that pheasants and partridges really benefit the farmer by consuming wire worms, and other insects which damage crops. And when the reader arrives at that gentleman's evidence, he will be found to have stated as a seriously arguable proposition, that game preserving, upon the whole, benefits the farmer; because, admitting that hares and rabbits might do some harm, which, however, Mr. Berkeley was very loth to admit, the value of partridges and pheasants as insect destroyers is such, that there is a large balance of good in the farmer's favour from game preserving. What will farmers say to this? May it not occur to them that they could obtain the advantage without its appendant evil? Will they not say, "Get rid of the game, and we will deal with the wireworm?" Such it seems is Lord Hatherton's opinion.

7470. Mr. *Berkeley.*] You have stated that on your property your bag of game has been reduced from 1,800 to 500, and you cannot

tell the reason of it; have you had much ravage from the wire-worm? No; I had formerly, but I have not now since I employed and encouraged others to employ very extensively the presser-drill; I use it universally in sowing every kind of grain on my land, and I have sometimes left two or three furrows in which it has not been used; there the grain has been completely destroyed by the wire-worm, and not touched in any other part of the field.

7471. Have you found that the quantity of pheasants on your land, which you have been able to rear and kill, have decreased in proportion to the decrease of the wire-worm? It never occurred to me before, but I think it extremely likely.

7472. State to the Committee any facts that you know with regard to the increase or decrease of insects where there have been large heads of pheasants and partridges? I cannot state facts, but I have long entertained, and believe, that one of the causes of the very general decrease of pheasants, where for a time they were extensively preserved, is the entire destruction of insects of various kinds, which are absolutely necessary to raise them, especially in the earlier months after they are hatched; and I believe that no means of restoring their number in a wild state, that is, not by artificial breeding, so effectual could be resorted to as clearing the ground for a few years of feathered game altogether, and allowing a general increase of the insects that I refer to; one reason why I believe this to be so is, that where insects have been artificially propagated, and maggots have been engendered artificially, they have been found of the greatest service in increasing pheasants.

7473. Then you think it is contrary to the provisions of Nature that the wire-worm and the pheasant should exist on land in great quantities together? I do. I think that the game destroys insects of every kind, and of course among them those injurious to crops, which many are.

7486. Mr. *Villiers.* Were you in Parliament when the law was altered in respect to the sale of game? I was.

7487. Do you remember several cases in which noblemen and gentlemen were mentioned as having sent game to their poulterers and fishmongers in exchange for the articles in which those persons dealt, or for money? I believe there was abundant proof of it, and no doubt entertained of the fact.

7488. Being so commonly done led to the change of the law? It was one of the motives, and the principal one.

7489. You were asked, with respect to hares, whether you would have one general rule for different soils; although the difference in the soil made the amount in the game, is not the law general with respects to rabbits, though soils make a great difference in the number of that animal? Yes.

7490. There is no evil arising from that that you are aware of? None whatever.

7491. Do you consider it necessary to preserve a great head of game for the sake of destroying the wire-worm? No, I destroy it with the presser.

7192. And if it can be destroyed by any other means it is a double advantage, that you do not require the game, and that you get rid of the wire-worm? Yes.

Scarcely less decisive are many portions of the evidence of the Duke of Grafton, who had partially, and Sir Harry Verney who had entirely given up game preserving; and they all serve to show that game preserving is totally incompatible with high cultivation and full population. The duke has a large property in Suffolk, where game preserving and battue shooting have been carried to a great extent. The occasional employment of large numbers of beaters, usually the least industrious and most sporting of the peasantry, directly initiates them into poaching. In other respects he confirms the view that game must be artificially preserved. His grace was examined in July, 1845, by Mr. Milner Gibson.

14960. Will you have the goodness to state to the Committee what opinions you have formed either upon the subject of the game laws themselves, or upon the effects produced upon the rural population by the preservation of game to a great extent? In my letter, which I took the liberty of publishing, I have stated that it is a proverb in Suffolk that poaching is the root of all evil. It is not my opinion only, but it is the opinion of all the magistrates that I have ever met with, and rather their opinion than mine; and therefore I conclude that game preserving has demoralized the people. I have also formed my own opinion of what would be likely to be the effect of bringing children and men into woods to beat the woods. As much as 20 years ago, I thought the effect would be that of increasing the number of poachers, and I have very litte doubt in my own mind that such has been the effect, and that poachers are more numerous in consequence of the preservation of game, *and the introduction of those men as beaters into the woods.*

14961. Do you think the introduction of those men as beaters into the woods gives them a taste for pursuing game, and induces them afterwards to take to poaching? I think it gives them a taste for poaching; I think it also gives them a knowledge of the locality of the wood; but this of course is confined to our district in Suffolk; I cannot speak of other parts of the country; I can only speak of our own locality, of course.

15009. Has your grace formed any opinion upon what is called the battue system, or collecting large quantities of game together for destruction? Yes, I have formed an opinion.

15010. What is your opinion of that as a pursuit or an amusement, is it an amusement that is to be encouraged as far as the welfare of society is concerned, among the labouring population? I should think it is an amusement very much to be discouraged.

15014. Do you think it desirable, that in a country like England,

with so large a population constantly increasing, there should be any unnecessary destruction of food? No, I certainly think there should not be.

15015. Do you think that the consumption of agricultural produce for the feeding of this game, which is kept for mere amusement, is in itself a most improper destruction of food? I think it is, certainly.

15016. Are you of opinion that the great landed proprietors and persons of influence in the country would do well to discountenance as much as possible the practice of battue shooting? I think it would be a great benefit to the country if they did discourage it.

15017. Are you of opinion that the smaller gentry would follow the example of the larger landed proprietors and give it up, if it were so discountenanced? I think they would.

15018. Example, you think, has a great effect? I think so.

15019. Does your grace believe, that in order to get a large quantity of game together in a small compass for a battue, it is sometimes necessary to have recourse to purchasing live game? I never heard of an instance of it; and I hardly think I ever heard the notion of it before the question was put to me.

15020. Is your grace of opinion, that if gentlemen who are magistrates purchased live game for the purpose of battues, thus encouraging poachers to take it, they would be guilty of an improper act? I have no hesitation in saying decidedly, yes, to such a question.

15021. Your grace has, in your own case, given up the preservation of game in Suffolk to a great extent? Yes.

15022. Have you observed at present any effects upon the population from the course you have taken? No; but it is necessary for me to explain how I have given up the preservation of game, because, in point of fact, if there is any guilt in the case, I am guilty perhaps of preserving game to a greater extent than my fathers were, because I have as great an efficiency of keepers as they had, *but I do not preserve artificially*; I do not feed, I do not watch at night; but I preserve game as far as this: I keep off improper intruders, persons who have no business upon the property; but I do not preserve game by feeding them artificially, and rearing them artificially in the woods, *and I also have destroyed all the hares.*

15023. Why did you destroy the hares? On account of the injury done to the farmers and to the crops.

15024. Have you destroyed the rabbits also? The rabbits were universally destroyed on my property; they have been destroyed for years.

15076. Mr. *G. Berkeley.*] You have stated that you condemn the battue system, and you have been asked whether it would not be desirable that it should be discountenanced among large landed proprietors, and among small proprietors. Is it in the power of a small proprietor to have a battue? Yes.

15077. Can a small proprietor amass upon his estate great quantities of game? Yes; he may collect a great quantity of game in a very small compass.

15078. In the collection of game for a battue, are the Committee to understand that the game is driven into the covers from the various parts of the manor? No; it is reared and bred in the covers, generally, I believe.

15079. But when a battue is held, is it not the custom in your county to drive the whole manor to a particular cover, and there to shoot the game? No, I think not.

15080. Do they only shoot the game that happen to be in the covers? Yes.

15081. You object to a battue where 800 or 900 head of game are killed? Yes.

15082. What do you think a fair amount that might be killed by a large party of gentlemen in a day? What should you say was a fair amount with which they ought to be satisfied? I should say that 200 or 300 head of game was a very large amount to kill in a day.

15083. But you do not think that would be improper? I can hardly say that, because I should prefer the battue system being done away entirely.

Then Mr. Grantley, who not merely endeavours to extract good out of evil, but to show what most people admit to be serious evils are really benefits, cross-questioned his grace as to the employment of the population afforded by game, and the protection gamekeepers form to property in general.

15046. Mr. *G. Berkeley.*] You have said that it is an old proverb in your county that poaching is the root of all evil; is not idleness the root of all evil? They say that idleness comes from poaching.

15047. Is not poaching induced by idleness? Poaching is induced by idleness, and *idleness is induced by poaching.*

15048. Then if the landlord employs people who would otherwise be idle in beating his covers for him for game, he then gives them no excuse for idleness? Certainly not.

15049. You have stated that you thought it demoralized the people, the fact of employing men and boys to beat the woods, and that it increased the number of poachers by showing them the game, making them acquainted with the woods? Yes.

15050. Do you not think that if there was no game, or very little game, and no keepers, people would frequent those woods to kill what little game there was, and to steal the wood, if dishonestly inclined? No, I do not think they would, if the woods were properly taken care of.

15051. Then you would have people to take care of the woods? Certainly.

15052. But you would not permit those people to watch at night? I would not prevent them watching at night, if it was thought necessary. If depredations were committed at night, then a person or persons would be, of course, necessarily employed at night as well as in the day.

15053. You have said that you would discontinue night-watching of the game: but would not those people, if watching the wood at night, prevent night poaching? Certainly they would.

15054. Then am the Committee to understand that your woods are still watched by a night-watch? No, they are not, not usually.

15055. In your vicinity is there not a parish peculiarly filled with poachers and other depredators? There is.

15056. Have not you found that now your woods are not watched, there still being game there to a great amount, though not artificially protected, those people from that parish frequent your woods at night? No; because the proprietors and occupiers of land in the parish have found out how much better a thing it is to employ their population; and they now have formed a sort of public work among them, which they are engaged in.

15057. Then the reason that you do not watch in your woods, is because other proprietors have employed them? Yes.

15058. Are those other proprietors preservers of game? No.

15059. What are they? Farmers.

15060. How long does that employment last? Not very long.

15061. Then do you think that after that employment is over, finding your woods are not watched, they will abstain from poaching? I have no doubt they will fall back into their old employment of poaching.

15062. Is it your intention to abandon your woods to the worst description of poaching, the crime of night-poaching? *The fact is, that there will be nothing worth taking in the woods when they are not strictly preserved.*

15063. From the nature of the soil around your estate, and from the fact that there are other game preservers in your vicinity, do not you admit that there always must be a great extent of game? There always must be a certain extent of game.

15064. Do not you find that where there is a certain extent of game, and no possibility of their being detected, idle people will resort to such places in order to get a little game? Yes; but I endeavoured to explain the sort of preservation I have adopted. I have a very efficient keeper, a more efficient keeper perhaps than has been on the estate before, and if he found depredations committed upon the game, he would take steps to detect the offenders. But what I mean is, that I do not feed game to induce them to remain in the wood, to attract the attention of those poachers.

15065. One objection to game preserving which has been raised is, that gentlemen keep game to feed upon their neighbours' crops: now you have game, but you do not feed it at all? I do not feed it at all.

15066. Then is not that rather more hard upon your neighbours, you not feeding it, than when a gentleman has game and does feed it? No, because I do not induce the game to come; *I do not rear the game; I do not stock the woods with game;* therefore whatever game there is, is only, as you may call it, indigenous to the place.

15067. What game there is, the farmers feed? What game there is feeds upon acorns a great part of the year, the produce of the wood; certainly they may poach upon the neighbouring farms.

15068. Have the farmers the right to shoot upon your estate? They have the power of carrying a gun on their own farms.

15069. And to shoot what game they please? Not precisely.

15070. What is the regulation you adopt as regards them? Hares and rabbits and partridges they may shoot.

Mr. Berkeley then tries to extract from the duke an admission that game preserving is as innocent an amusement as, for instance, keeping a riding-horse, and like most unskilful cross-examiners, contrives to strengthen the evidence in chief.

15087. You were understood to find fault with the fact of game destroying or consuming the food of man; was that so? Yes, to a certain degree, according to the question that was put to me.

15088. May not that objection apply to all animals and birds kept for amusement or pleasure? I am not aware of any animals or birds that are kept for amusement or pleasure *that feed in the same way, except game.*

15089. What does your grace call your carriage-horse or your hunter? I certainly think there is a marked difference; a horse is for other uses, and for very beneficial uses, as well as amusement.

15090. Take your horse kept exclusively for your pleasure, your hunter? A hunter kept exclusively for pleasure, is a great source of health, and looking upon health as one of the greatest blessings we enjoy, I think we ought not to grudge a little food to the animal that is the means of giving it to us.

15091. Do not you think that game, which induces very healthful exercise in the field, is also to be protected, according to the same line of argument? I think, certainly, that description of shooting that gives health.

15092. And coursing? Coursing, I think, certainly.

15093. Then as game are the main inducements to persons taking that healthful recreation, are they not to be considered as coming within the same line of argument as all other creatures kept for pleasure? As far as preserving game conduces to health there can be no objection to it, *if it is not offensive to society.* [A point game preservers always manage to overlook.]

15094. Is it not very difficult to lay down a line of demarcation

as to what animals shall be kept for pleasure and what shall not? No, I do not think it would be at all difficult, but it would require some consideration.

The game preservers were also very desirous of making out that game is property of a very peculiar kind, and therefore requires a special protection. The following is a specimen of such attempts:

15104. Mr. *G. Berkeley.*] Have you not found in your experience as a magistrate, that people will break fences and enter private grounds for the purpose of stealing mushrooms? I never heard of it.

15105. You are not an advocate for the rights of private property being abolished? Certainly not.

15106. And you admit that there must be laws for its protection? Yes.

15107. And you are aware that game is private property? Game is private property.

15108. And you are aware that game is the only species of private property not under the care of the police? Yes.

15109. Are you aware that it is the intention of all law to be more severe in its provisions in reference to property of necessity left in unprotected places? No, I am not at all aware of that.

15110. Are you aware of the law as respects linen left in drying grounds? No, I am not aware of the law.

15111. You are aware that the law against sheep-stealing is much more severe than that for the protection of game? Yes.

15112. Then, game not being under the protection of the police, and existing in wild and unprotected places, are you not surprised that there is not more poaching than at present exists? No.

15113. Would any other property that you can think of be safe if left in an equally unprotected state with game? No, because I do not think that there is the same idea that game is private property as other private property; *I think there is a distinction.*

15114. To what do you attribute that distinction? Because game is not of universal use, or in the power of every individual in the country to possess.

15115. Is it not in the power of every individual who has got money to purchase it to buy it now? To be sure.

15116. Then, in that case, is it not an equally common right with all other purchasable articles? No, I do not think it is.

15117. In what way do you define the difference? For the reason I said, because game is not an article of universal possession.

15118. May it not be of universal possession by the fact that any man possessing money can purchase it? That is quite true; he can.

15119. Is it not accessible to every man who has money to buy it? It is accessible to every man who has money to buy it, certainly.

15120. Do you look upon a pine-apple to be an article of general consumption? No.

15121. Would you not protect the pine-apple from theft? I imagine that the pine-apple is protected.

15122. Then ought not game to be equally protected? No, because it is exposed.

15123. Then game being exposed, ought it not to be more protected than the pine-apple? *No; I think on the contrary, game being exposed is the very reason why it ought not to be protected.*

15124. Why are sheep so strictly protected? Because sheep are the universal food of man.

15125. Why are sheep the universal food of man more than game? Because every person can possess a sheep who has not the power of possessing game.

15126. Is not the price of a sheep greater than the price of a hare? Yes.

15127. Cannot the same money that purchases a sheep purchase more than one hare? Yes.

15128. Then is not game equally public property, and food for the public consumption, with sheep? No; you are asking me questions with regard to game in a dead state, and I am speaking of game in a live state. That makes a great deal of difference: *the protection of them is in the live state.* For instance, if a person purchases a pheasant, I imagine that the pheasant, dead, is as much his property, if he can identify the property, as anything else, and the person who steals the pheasant would be convicted under the law as it now stands just as much as he would be convicted for stealing a sheep in its dead state, if you can identify it.

15176. What is your opinion as regards the sale of game? My opinion is, that it is a very good enactment.

15177. Was it not made under the idea that it would put down poaching? I believe there was that idea in the minds of some persons.

15178. But that idea was a failure? The idea seems to have been a failure.

15179. Then you do not object to or condemn in any way a gentleman selling his game? Not at all.

15180. You were understood to say that you had some objection to game being so much considered private property? I stated that I thought it was a different description of private property from other property.

The following passages from the Duke of Grafton's evidence, illustrate in various ways, directly or indirectly, the modern system of game preservation.

15213. Mr. *Etwall.*] Are the Committee to understand that your

objection to the artificial feeding of game arises from your reluctance to bring a large collection of game together in one wood? Yes.

15214. Do you think that when a very large stock of game is kept together by feeding it, it is a great inducement to the labourer to become a poacher, by constantly seeing it as he is going to and returning from his work? I think that has been a great evil, that it holds out so great a temptation.

15215. Your grace has been asked your opinion relative to whether 300 head of game would be a fair day's sport upon a manor; must not any opinion upon that subject be mainly guided by the extent of the manor? Certainly.

15216. And also upon the locality in which the land is situated? Certainly; at the same time I think there is a hardship in discouraging the preservation of game, as certainly a person who has a large estate has a great advantage over a person who has a small one; and there is certainly no reason why a person with a small estate should not have as much pleasure as a person with a large estate; and certainly in that respect a person with a large estate has the advantage.

15217. You were asked whether if a man with a small property, supposing he did not cultivate it, caught the game coming upon it, it would not be unfair; if a man does not cultivate his land, is game very likely to come upon it? No, the game is attracted by the crops, and the better the crops the more the game is attracted.

15218. Therefore if the land lay waste there would be very little inducement for game to come upon it? There would be no inducement, except in passing over it to the other land that was productive.

15219. Your grace stated that you allowed your farmers to shoot under certain stipulations; do you conceive that on that account the farmers are more desirous to preserve game for you, and also more desirous to prevent poaching? I think they are, certainly.

15220. Does it therefore operate as well to preserve your game *as to regulate such a proper stock of game as shall be agreeable to the wishes of the tenant farmers?* I think it does.

15227. Lord *G. Bentinck.*, Since your grace has given up the preserving of game to the extent to which your father preserved game, has there been any instance of poaching upon your estates in Suffolk? I have not heard of any.

15228. You have not detected and punished any poachers? No.

15229. You are quite certain of that? Quite certain that I have not heard of it, and I believe that we have not.

15230. There were no poachers taken up in the course of last winter upon the Euston estate? I never heard of one.

15231. They could not have been prosecuted without your knowledge? I think not. The steward might have prosecuted them without my knowledge, but I think he would have mentioned it to me if they had been.

15232. You have stated in your evidence to-day that poaching

is the root of all evil? I have stated that it is a proverb in Suffolk.

15244. Your grace has drawn a distinction between property in game and other property, on the ground that game is a property that is not in general consumption, or of general possession; your grace is not prepared deliberately to state, that you think that property that is of an exclusive description should not be held as sacred as property that is in general use and in general consumption? This property has been compared to another particular property, and I have only given my opinion upon it as compared with sheep; I have not given my opinion as compared with other descriptions of property, but as compared with sheep and potatoes.

15245. Is your grace of opinion that property in mutton, or property in beef, should be held more sacred than property in jewels? If I was to give an opinion, I should say, certainly there is a great distinction, from the one being of universal use, and of universal necessity, and the other being merely of an ornamental kind.

15246. Then your grace finds equal fault with the criminal law of this country, for that it punishes the offence of stealing a jewel worth £1,000 as severely as it punishes the offence of stealing a sheep or stealing a fowl? No, I do not find fault with the law at all; but if you ask my opinion whether there should be a difference, I say of necessity there must be a difference and ought to be a difference, but I do not find fault with the law as it stands.

15247. Then you do not see that the criminal law as regards the stealing of a pheasant is more to be condemned than the criminal law with respect to stealing a jewel? There is no criminal law for taking a pheasant; it is not felony.

15248. But you see no reason why the punishment for stealing a pheasant or a hare or rabbit should not be as severe as the punishment for stealing a jewel? I do think quite the contrary; I think that the punishment for stealing a jewel ought to be far heavier than for stealing a pheasant, a hare, or a rabbit.

15249. Then is your grace of opinion that jewels are articles of greater general necessity than pheasants and hares? No; but they are articles of great value, and every article of great value ought to be protected.

15250. Then your grace is of opinion that the punishment should be in some degree assessed according to the value of the article stolen? No, I do not think any such thing; as I said before, I do not quarrel with the law, I am satisfied with the law as it stands.

15251. Your grace was understood to say that you thought the law for the protection of game property much too severe? I think so.

15252. That is hardly consistent with your grace's present statement that you do not find any fault with the law? I do not find any fault with the law for stealing jewels.

15253. The question had reference to the principle you laid

down, that the punishment for stealing a sheep should be more severe than the punishment for stealing a pheasant, inasmuch as mutton was an article of more general possession, and of more general necessity, than a hare or a pheasant; and your grace was understood to say that the punishment for stealing a jewel ought not to be more severe than the punishment for stealing a hare or a pheasant? The question put to me was not a question between a hare and a pheasant and a jewel, it was a question between a sheep and a jewel.

15254. I wish to draw your grace's attention to three subjects of the criminal law, namely, in respect to stealing jewels, in respect to stealing mutton, and in respect to stealing game of any description; and I ask your grace how you reconcile the principles you have laid down, as to the comparison between stealing game and stealing mutton, with the principle you lay down as respects stealing jewels as compared with stealing game? The fact is, that there is no general principle of law; you make one law at one time severer for the same thing than you do at another; you can have no general principle of law.

15255. Your grace has stated, in your published letter, as a reason why game should not be protected with the same tenacity that sheep and cattle are, that one can be driven home and preserved, and the other not; is it the custom in Suffolk to drive sheep and cattle home at night? Not invariably, certainly.

15256. Is it the general custom in Suffolk? No, it is not the general custom; what I meant was, to mark the difference between the two, that the one is domestic and capable of being driven home, and the other not.

15257. The principle which your grace wishes to lay down is this, that inasmuch as game is of a wild nature or migratory, it cannot be considered property in the same light as sheep and cattle, that are more domestic? Precisely.

15279. With respect to the assessment of game, how does your grace propose to proceed to the assessment of game? I must acknowledge that I have no plan of proceeding at all; I am perfectly ignorant how it could be done; I have only thrown it out as a suggestion. My proposition to the magistrates at quarter sessions was a petition to Parliament, to take it into their consideration whether the thing was right, and how the thing might be done.

15280. Does your grace, upon reflection, think that your own suggestion is an impracticable suggestion? I should almost think it was, from what I have heard.

Amongst the phantasms raised by the preservers was, What will become of the gamekeepers? and the duke was examined upon the point.*

* It will be shown by and by that game preserving greatly diminishes the employment of labour in agriculture, and it may be safely said that every gamekeeper discharged from the abandonment of game will give room for the employment of half a dozen farm labourers.

15283. Your grace, in your pamphlet, has laid considerable stress upon the burdens that are brought upon those who pay county rates, and upon the farmers generally, by the punishment of poachers, and their wives and families being thrown upon the parish; your grace is no doubt aware that there is a vast number of persons of the same class of life, or very little higher than the labouring class, who receive very good wages and very good maintenance for their families as gamekeepers in the county of Suffolk? Yes.

15284. Supposing your grace's objects were to be attained, and the preservation of game was to be abandoned, what do you think would become of the gamekeepers so employed in the county of Suffolk? They would be turned into policemen.

15285. Lord *G. Bentinck.*] If your grace's theory were to be carried out, would it not very much reduce the amount of crime; or does your grace think that there would be a greater demand for policemen when the preservation of game was abandoned, than exists now? I think very likely there might be an increase of crime in other respects; *if the produce increased*, of course crime would increase.

15286. Then your grace is of opinion that if the preservation of game was to be abandoned, the probability is that crime would increase? It might.

15287. And that there would be full employment, as policemen, for all the gamekeepers employed in the preservation of game? Yes.

15288. Your grace is aware that the number of convictions for offences against the game laws in the county of Suffolk amounted in 1843 to 136; is your grace aware that the gamekeepers, above 20 years of age, in the county of Suffolk alone, amount to 278? No, I was not aware that there were so many.

15289. But your grace can well believe that there are not less than 278 gamekeepers now employed in Suffolk? I was not aware of it; but if you state that there are, I have no doubt that there are.

15290. And your grace thinks that if, by carrying out your theory, you were to throw out of employment the 278 gamekeepers, full employment would be found, by the increase of crime that would grow out of the non-preservation of game, for those 278 gamekeepers as policemen? I should like to correct myself as to the increase of crime; I think that full employment would be found for those men as policemen, that is, by increasing the present force for the purpose of preventing present crime, for I do not see why crime should increase; but those men might be very well employed as policemen in addition to any force at present; for most counties, I believe, that have adopted the rural police, have not adopted it to the extent that many people think would be useful. Besides that, there would be employment for those men as woodmen; gentlemen who now employ a great deal of their time and money in rearing pheasants, would take more pains about their woods. There are no woods in the kingdom so badly managed as the woods in Suffolk.

15291. Does not your grace think that the farmers would be running considerable risk, and that whilst they were saved on the one hand from the burden of maintaining the families of 136 poachers, they might have thrown upon them permanently the families of 278 gamekeepers, unless employment could be found for them as policemen? I should like very much to try the experiment.

15292. But if those 278 gamekeepers were to be employed as policemen, the county would have to pay for them? Yes.

15293. So that in point of fact the charge upon the county, if they were employed as policemen, would be about double the charge which the county now has to incur for the maintenance of the families of 136 poachers? The charge of those poachers in prison would be saved, and the maintenance of their families out of prison.

15294. But your grace is aware that there are but 136 convictions in the year in the county of Suffolk, whilst you have 278 gamekeepers to provide for, consequently there would be always the difference between 136 and 278 to be provided for; and your grace is aware that upon the average the 136 poachers are not maintained in prison at the outside more than six weeks or two months, whilst the 278 gamekeepers are at present in full employment for the twelve months, and therefore there is a wide difference between the employment that is to be lost, on the one hand, and the burden of maintaining the wives and families of the convicted poachers on the other hand? It appears to be so, but I think it would alter the habits of individuals; *I think they would turn their minds more to farming and to cultivation, and more useful employments than shooting.* I think it would turn very much to the benefit of the country, notwithstanding the loss of those keepers; but of course that can be only matter of opinion.

15295. Your grace has said, that it is a proverb in Suffolk that poaching is the root of all evil, and that it is the beginning of all crime; do you mean to say that it is your belief that the 392 persons that were convicted in 1843 of larceny in Suffolk, all began as poachers? My belief is, that a vast proportion of them did.

15296. And the 16 burglars who were convicted of burglary, does your grace believe that they all commenced life as poachers? As to those particular men I do not know; but I think that, generally speaking, crime in that county has originated from poaching.

15297. Mr. *Villiers.*] Are the Committee to understand that your grace came here under the expectation of being examined upon the game laws? Yes.

15298. You did not expect to be examined upon our code generally? No.

15299. You did not expect nice questions to be put to you as to the comparative merits of particular laws, and the punishments for offending against them? Certainly not.

15300. You have not composed any treaties upon our code generally, or upon the laws for the protection of property? No.

15301. You have not given ground for anybody to suppose that you are at all more lax than any other person as to the protection of private property? No, I believe not.

15302. I presume you are extremely desirous that all property should be protected, as far as is consistent with the good of society? Precisely so.

15303. Am I right in believing that you have guarded yourself against any imputation or charge to the contrary by a passage in your pamphlet to this effect, that you were desirous *that the landed gentry should be protected in their property and amusements as far as is consistent with the good of society, and with their own duties as citizens and Christians? Exactly so.*

15305. You have been many years considering the influence of the game laws upon the morals and condition of the labouring class? I think I have been considering it more or less these 20 years.

15306. With great opportunities of making observation? With passing opportunities; I cannot say that my mind has been closely engaged upon it, but my mind was turned to it 20 years ago; and I have, more or less, considered it since.

15307. Your grace has sometimes engaged in sport yourself? Yes.

15308. Have you preserved game yourself at some time? Never; I have never preserved game.

15309. But you have observed game preserved upon the property you possess at present? Yes.

15310. You have officiated as a magistrate? Yes.

15311. And you have resided a great deal in the country upon your property? I have resided a certain portion of the year at my father's house.

15312. And it is under those circumstances, and upon making those observations, that you come to the conclusion that the present game laws and the present system of preserving game are attended with great moral and social evils? Yes.

15313. Injurious to the poor, injurious to the farmer, and injurious to the community at large? Yes.

15314. Have you any experience as a farmer yourself? No, I have no experience as a farmer myself, but I have had a great deal of conversation with the steward of our estate, who has informed me of the injury that the hares and other game do to the produce of the farm.

15315. As a landed proprietor, and as resident upon your property, you have had great opportunities of hearing the effects of the great preservation of game upon landed property? Yes.

15316. And you have come to the conclusion, from all you have heard, that game tends to diminish the produce? I have.

15317. Will you state what is the custom in your county as to the agreements between the tenant and the landlord as to the compensation that he is to receive for the damage so done? There has been no agreement of that sort; the game on our estate has never

been preserved to that excess as to make any agreement of that sort necessary; the land has not been injured by the hares; if they have been in superabundance the tenant has complained, and they have been destroyed.

15318. Is there any custom in the county of Suffolk when a farmer takes a farm of making an agreement with the landlord, under which he is compensated for the damage done by game? I do not know of any.

15319. Are you aware whether any law gives the farmer a right to claim such compensation? I am not aware of any law, unless he makes an agreement for it.

15320. Have you the least doubt that farmers often take their lands without any agreement with their landlord as to compensation for damage? I have no doubt of it.

15321. The game in that case destroying the crops is a serious injury to the farmer? It must be.

15322. You were understood to say that you know an instance in which a good tenant has given notice to abandon his farm in consequence of the preservation of game? Yes.

15323. Do you believe that it does prevent his employing capital? Certainly.

15324. Do you believe that the employment of capital would lead to the employment of the poor? Certainly.

15325. In those respects, then, the preservation of game tends to the injury of the farmer, and to the injury of the poor? Certainly.

15326. Is it your opinion that a great quantity of game offers a peculiar temptation to the poor to become poachers? There is no doubt of it.

15338. Your grace cannot give the Committee any hope that the system of game preserving to the extent you refer to is likely to be abolished? I cannot say that, because I have heard that some gentlemen, neighbours of my own, have destroyed a great number of hares lately, therefore I rather apprehend that they are beginning to feel that game is injurious.

15339. Do they destroy the game with the view of not preserving them in future? I suppose with the intention of not preserving them.

15340. But your grace does not consider that to be the result of any general system or agreement on the part of the landed gentry in the county of Suffolk? No, it is only what I have heard has been done by some proprietors.

15341. Are you still of opinion, that as the sport is now carried on, it is one in which the amusement of the upper classes interferes with the duties of their stations, and the business generally of the productive classes? *I think it does, certainly.*

15342. Your grace has stated in your letter that you do not think any class of persons are privileged to be idle? I have stated so, certainly.

15343. Might I ask your grace to explain what you mean,

because it would seem that if a man inherits property and has no profession, he has an opportunity of being idle? No; I consider a person who lives upon his own estate and does the most good he can, to be a very industrious man.

15344. But there is no law which compels him to be so, and as far as his property goes, he has the privilege of being idle and mischievous, if he pleases? Yes, if he likes.

15345. Your grace has stated that the upper class of society have their duties as well as the lowest. Are you aware of any way in which the performance of those duties can be enforced? I am not aware of any way of enforcing those duties.

15346. You think there are other modes of filling up their time more beneficial than the pursuit of game and sporting? *I am sure that there are.*

15347. In that respect have you been more fortunate in finding that they agree with you than with respect to the operation of the game laws? I do not think I have had much conversation on that subject, but I think every gentleman ordinarily agrees to that notion.

15348. Do you find that, generally speaking, with respect to the gentlemen in the county of Suffolk, it is the great inducement to them to reside upon their property, that they should have this abundance of game, and the sport of destroying it? I have heard it continually mentioned, as a reason for preserving game, that it induces gentlemen to live upon their estates.

15349. That it affords gentlemen the means of occupying their time in the country? That certainly is the general opinion.

15350. As sporting is carried on in the county of Suffolk, it is considered a great amusement? It is considered a great amusement, certainly.

15351. Perhaps your grace has expressed rather a strong opinion in your pamphlet, in a passage in which you state, "If the upper classes of society follow their amusements to the neglect of the interests of those beneath them, they may have their amusements, but they can have no gratification from them"? It is matter of opinion how far we can have gratification from our amusements: I meant to express that as a feeling of my own that it could be no gratification, and therefore what is one's own feeling and opinion, we sometimes think is that of others.

15352. Did your grace mean that there ought to be no gratification derived from such amusements? I can hardly say that, certainly.

15353. Your grace has asked how it is possible that any real gratification should wait upon the slaughter of 1,000 head of game in one short day: is not your grace aware that that is generally what occurs, or at least a very large slaughter of game, whenever a proprietor has a number of friends down to his place for the purpose of a battue? I am quite aware of that fact; and it was in allusion to that fact that I expressed my opinion that it was impossible that such an amusement could be really gratifying.

15354. Then are the Committee to understand that your grace has not changed your opinion since you asked, "Is it possible that this so-called amusement, which is sickening to men who hear of it, can be of real gratification to the actors in the sport"? I have not changed my opinion in the slightest degree; I am positive that if gentlemen continue to pursue the same amusement to the same excess, they will by degrees be as little gratified with it as I have expressed the idea they ought to be in my letter.

15355. Your grace is speaking of what may occur in future, at some distant time? Not a distant time; I would put it at an early date.

15356. This mode of carrying on sport has been going on for some time past? It has begun for some years, but it has been increasing in excess of late years.

15357. From the experience that you have had in your county, your grace has been led to consider that "It is a frightful waste of that wealth which is given to us for other purposes than thus to be used in selfish gratification"? *I think it is a frightful waste.*

15358. You adhere to that sentiment expressed in your letter? I do.

15359. Your grace has been asked as to the mischief that was likely to be done by abolishing this system, in consequence of the large number of keepers that are employed for the preservation of game; can your grace draw any distinction between the kind of evil that would result from dismissing gamekeepers, by abolishing this system, and the sort of evil that would result from dismissing a policeman, by abolishing crime? I do not think there would be any evil attending it at all, because, as I said before, I am quite sure that those gentlemen who preserve game would turn their minds to something else, and they would not discharge an old keeper if he was a good man, but they would put him into some other employment; for instance, I myself, though I have given up having so many keepers, I have not discharged my keepers; I have put them into some other employments; and therefore I do not think there would be one-half of those keepers actually discharged and made a burden to the public.

15360. But your grace would not think it conclusive against abolishing the nuisance of game, because it might possibly throw some people out of employment who are now employed for the purpose of continuing this nuisance? I do not think they would be thrown out of employment.

15366. Your grace has no doubt of the general effect of the present system in demoralizing the labouring classes? I have no doubt of its effect in demoralizing the labouring classes.

15367. It tempts them to break the law, and it procures for them a certain sympathy after they have offended? It does.

15368. When the labouring classes are so demoralized they may easily be led into the commission of any crime? They may.

15369. Should they, therefore, be guilty of the crime of incen-

diarism upon property where no game is preserved, it may be traced to their general demoralization, and not to any particular hostility to the individual on account of game? Certainly.

15370. Should you think that if there was a general opinion among the gentry that they could not be induced to reside upon their properties unless game be preserved to this excess, such a price for their residence would be rather too high to pay? I am quite certain that no such result would take place.

15371. Your grace thinks that they would think better of it, and that if the game was destroyed they would still reside upon their properties? I think they certainly would.

15398. *Chairman.*] Your grace was understood to express an opinion that poaching is very injurious to the morals of the labouring classes? Certainly.

15399. You mean the act of poaching, not the detection of the crime? The act of poaching.

15400. Your grace was understood to say, that you think the exposure of game leads to poaching? Certainly.

15401. Then would it not follow that the more strictly game is preserved, the less temptation there is to poaching? Certainly.

15402. The more strictly then that game is preserved, the less injury is done to the morals of the labouring classes so long as game exists? Certainly.

15403. Then would your grace be inclined, supposing game to exist, to diminish the opportunity of preserving game from depredation? Yes, certainly I would: because, although there is no doubt that the preserving of game more strictly would prevent poaching, *still I think the principle of preserving game is so erroneous a one, that if carried out to an extent, that principle would produce nothing but evil consequences; although it may be true, that preserving game strictly prevents poaching, I nevertheless would put a stop to it if I could by any means.*

15413. Do you think that by law you can define the amount of game which can be preserved by any party, or set any limit to the extent of game to be preserved? You can only do it by not protecting the game that is so preserved.

15414. By taking away all protection from game? By not protecting it so strictly.

15415. That would apply equally to parties who only keep a moderate stock? Certainly, but it would diminish the inclination to preserve game.

15416. You think that the difficulty of preservation and the facility of poaching would take away part of the inducement to preserve game? I think it would.

15417. Does not your grace think that the increased facility of poaching would be as great an evil as the good which would result from the diminution of temptation? No; because the temptation would be taken away, and there would not be so much poaching.

15418. Is it your grace's experience, that poaching is more rife in

localities where there is a great amount of game very strictly preserved, than in localities where there is a less amount of game, but still a certain amount of game which is not looked after equally strictly? Poachers go wherever they can find most game, I think.

15419. Does not it come into their consideration whether they can obtain the game without the chance of detection? I do not think that comes much under their consideration, because they very often go out with a determination to have it; they go very often armed.

Sir Harry Verney's experience of the evils of game preserving was obtained in Buckinghamshire. Indeed nothing is more remarkable throughout the whole of this evidence, than that witnesses from different parts of the country, whose observation has been made under various circumstances, agree most closely in their statements of the extent and manner in which game and the game laws prejudice society. His examination occurred in April, 1845.

1128. Mr. *Bright.*] Will you have the goodness to state what is your opinion on the effects of the game laws, and of game preserving, and any suggestions which you would wish to offer to the Committee on the subject? With the permission of the Committee I will state to them what first drew my serious attention to this matter. Rather less than three years ago, I was walking over one of my farms with the tenant, and I came to a field which had been broken up the year before, and had been sown with oats, and I remarked the very small crop in the field, and at the same time I saw a great many hare runs, and I said to the tenant, "I am afraid you have rather too many hares here." The man smiled, and said, "Yes, sir: if I had reckoned upon quite so many neighbours of this sort, I doubt whether I should have ploughed up the field or not." I took no further notice, but I afterwards mentioned the circumstance to my steward, and I spoke to other tenants, upon whose judgment I could rely upon such a matter, and neighbours, and other persons; at the same time I was appointed one of the Committee of the magistrates to revise the financial affairs of the county of Buckingham, by which my attention was drawn to the expense entailed upon the county rates by the punishment of poachers. Those two circumstances coming together attracted my attention; I endeavoured to obtain all the information I could, and I arrived at the opinion which I have stated to the quarter sessions in Buckinghamshire, and which I am ready to state to the Committee; and in doing so I should like, with the permission of the Committee, to divide my reply under separate heads. I will first state my opinion with regard to the effects of game preserving under the present game laws upon the cultivation of land and the

amount of the produce; secondly, its effects upon the moral character of the peasantry; thirdly, on the financial interests of the rate-payers: fourthly, its effects on the welfare of the community at large. I have no hesitation in saying, with regard to the first head, that it is my opinion that the preservation of game in great abundance operates as a serious discouragement to good farming; I think that farmers in general will not expend their capital on the cultivation of land if they are not to obtain the return for it; and I am quite satisfied, as I stated at the quarter sessions, in the presence of the magistrates of the county, that there are districts in Buckinghamshire in which one-fourth of the whole produce of the land is destroyed by game: and I think there are many farmers (and it is of the utmost important to the country that their numbers should increase) to whom compensation cannot be made for the injury done to their crops by game, or by hail-storms, or by any other cause; men who take a great delight in their farms, and in carrying their cultivation to the utmost extent, and who would not be remunerated for the injury done to them if they were to receive pecuniary compensation to a very much larger amount than anything at which they would themselves choose to value the damage done. Then, with regard to the second head, the effects upon the moral character of the peasantry, I think they are of a much more serious character. They are especially felt in those districts of the country where employment is difficult to be procured and badly paid. I think it is a great mistake to say, as I have heard it asserted, that men who take to poaching would take to other depredations, and commit other offences, if game did not exist. I think it is true that the great abundance of game makes men poachers. About a year ago, a notorious poacher took up his abode in a village with which I am acquainted, and soon enlisted a number of boys in his service in stealing pheasants' eggs. They were regularly in his pay, and they thus obtained their first lessons in dishonest practices. I think it is a very great temptation to a man who, perhaps, has a starving family, and who knows that by one successful night in a neighbouring game preserve he may earn as much as by a whole fortnight's honest industry; and I need not, of course, observe that the battue system, where the game is driven out by beaters, has the effect of instructing them where the game is to be found: and there is this remarkable objection to this offence, that it is often by no means the worst men in the district who take to it; on the contrary, I think the men who take to poaching are often men of considerable enterprise and intelligence, and those who are especially qualified to make good soldiers. I commanded for six months the recruiting party of my battalion of the Guards, therefore I form my judgment as to what men I should take. Then there is this great evil attending it, that the labouring peasantry in a district where game is highly preserved do not attach the same degree of degradation to this offence that they do to any other. I believe there is many a man who would on no account steal poultry or sheep, or take any other property, who does not feel himself

degraded by taking a hare, or a pheasant, if it comes in his way: he is not degraded in his own eyes to the same extent, nor in the eyes of his fellows. And it appears to me to be a very serious evil in any country when laws are enacted, as to which, however they may commend themselves to those who make the laws, and those who administer the laws, their justice is not admitted by those who are subject to them. *The peasantry, in many cases, do not believe that a landowner has the same property in wild animals that he has in his sheep and poultry; therefore they think the law is not perfectly fair.* I have said that it is often not men of the worst character in a district who take to poaching; but I do not assert that they may not become the worst. *On the contrary, I think they very likely will. They are generally intelligent, daring men*; they acquire a habit of being out at night; they have recourse to deceit and to concealment, and they frequent the lowest and the worst beer-houses, which I take to be the greatest nests of crime and wickedness that any legislature ever inflicted upon a country; and to which the poachers resort for the purpose of selling their game, of meeting those who employ them to kill it, and of spending their earnings. The poachers are committed to prison frequently. There they become corrupted by older offenders, who wish for no better amusement than to corrupt them; they acquire by habit and practice a sort of taste for violating the laws, and living a life of outrage and of violence; they become habituated to crime, and very often leave the gaol fit for the commission of any offence; and a poacher who has commenced his career as a boy stealing pheasants' eggs, grows into a villian ready to be guilty of any crime against the laws of God or of man, and is the terror of the neighbourhood. It must not be forgotten that poaching and game preserving, the two together, must, almost necessarily, involve a desecration of the Sabbath, which I take to be extremely injurious to the morals of the population, leading men who are guilty of it into frequenting those beer-houses, and those places of resort, which are open at illegal times, and connecting them with the worst characters of the country. Then I should like to advert to the evils which accompany game preserving in great abundance to the rate-payers of the county. All who pay rates pay so much more for the punishment of poachers. In the memorial to Government which I proposed at the quarter sessions of Buckinghamshire in October last, and which, if it be the pleasure of the Committee, I will read, it is said, "In the course of the year 1843, 539 persons were committed to the county gaol: of these 169 were for offences against the game laws. These offenders were sent to prison, and maintained there at the expense of the county, and their families were supported by their respective parishes. Rate-payers occupying land in parishes where game is very abundant, are affected in a manner peculiarly oppressive by the operation of the laws: they are injured by the destruction of the produce of their land by game, and they are further called on to bear the expense of punishing and maintaining the families of those who take or destroy game illegally. Your memorialists beg

to state to you their opinion, that in districts where game is in great abundance, and the temptation to poaching is consequently too strong to be generally resisted, the operation of the game laws is very injurious to the morals of the people. The number of commitments for offences against these laws cannot be considered to indicate all who have been rendered criminal through their influence. Poaching is frequently only the first step in a criminal career. Lawless and irregular habits are produced by it, and your memorialists believe that a large portion of the crime of the country may be ascribed to this source. They therefore pray that you will endeavour to devise some means by which the evils to which they have adverted may be mitigated or removed."

1129. *Chairman.*] That memorial was proposed by you; was it adopted? It was proposed by me at the quarter sessions, and its adoption was negatived. As stated in that paper, the offenders are maintained in gaol at the expense of the county, and their families at the expense of the respective parishes, and therefore all who contribute to the county rates are so far damnified; their pecuniary interests suffer by the punishment of poachers; but there is a class of rate-payers who, in my opinion, are peculiarly sufferers: they are those who live in a parish where game is very abundant; they lose a large portion of their produce by game; they contribute their quota to the county expenses, and so they contribute to punish poachers for destroying that which many of them wish was altogether destroyed, and so far they contribute to keep the game up: besides that, they are obliged to contribute to maintain the wives and families of the poachers while they are in gaol; and they suffer an injury which is perhaps still greater than any of these, because they are the individuals who have watched the boyhood and the youth of the man, to whose matured skill, and industry, and conduct they have naturally looked for the cultivation of their land, and whom they see drawn away by the temptations offered by the game preserves, and seduced into a career of infraction of the law and of crime. In adverting to this I should like to remind the Committee, although it probably is in the recollection of all of them, that some Member moved for a Return of the number of keepers who had lost their lives in a certain number of years, I think 10 years; I need not advert to that, because it has been before the Committee. I forget what the number was. I propose next to advert to the effect of the game laws and a great abundance of game on the interests of the community at large. I consider that the welfare of the whole country is very closely connected and dependent upon that of the agricultural classes, and that a diminution of game in districts where it is highly preserved is one of the means, of the many means, in my opinion, in the hands and power of Parliament, and of the landowners, to contribute to the benefit of those classes. *If there were less game, the land would be better cultivated, there would be more produce, and more food for man, and for animals subservient to man.* Better cultivation would cause the labourers to be valued and esteemed, instead of being

considered, as they are now in many districts (an opinion in which I entirely disagree), surplus population, who ought to be shipped off and got rid of in any way. I say that better cultivation, instead of inducing people to want to get rid of them, would induce a desire to keep them at home, and when the labourer found himself sought for by the farmer, and valued in proportion to his intelligence and skill and good conduct, he would learn to esteem himself more, and his character and education would improve. He would become a better customer to the manufacturer; and thus, in my opinion, every class in the country would improve in consequence of a superior cultivation of the land, which cultivation I conceive would be greatly advanced by a diminution in certain districts where game abounds, of the quantity of game. I should be sorry to say that that or any one measure is a panacea for the evils of the country, but I do really think that improved cultivation of the land is perhaps the very greatest and most desirable of any means which are not of a moral and spiritual character for the improvement of the country generally. I would merely add further, that the effect of poaching, and of the whole system, is often to set the labourer, the farmer, and the landlord at variance, which I consider to be a very serious evil, and that I have myself known instances in which one of the means which I consider of the greatest importance and value for the improvement of the condition of the labouring population, namely, the giving them allotments; I have known that which would be so beneficial, converted into an evil, by the prevalence of game, because the holder of an allotment adjacent to a game preserve is tempted to destroy that which is injurious to his produce. The question which was put to me proceeded to ask if I had any suggestions to make. There is only one remedy which is quite satisfactory to me; and it is satisfactory, in the first place, because I believe it would be efficient, and in the second place, because it would be a relinquishment of amusement on the part of the wealthier classes for the benefit of those who are less wealthy. That remedy would be the abandonment of battues, and that is a result which I venture to anticipate will be the case in a considerable number of instances. It is my belief, that when those who have hitherto indulged in battues are aware of their effect, many will be found willing to make a sacrifice of their own enjoyment.

With his usual infelicity, Mr. Berkeley, in cross-examining Sir Harry, clenches the case against game.

1148. Mr. *G. Berkeley.*] You stated, that you consider that the game laws have a great effect in demoralising the peasantry? I think so, in districts where game exists in great abundance. We should never have heard anything of it otherwise.

1149. Are you conversant with a district of land where game is strictly preserved? Near to where I live there is a district where game is strictly observed.

1150. Whose land is that? It is the Duke of Buckingham's.

1151. Are you also acquainted with a district where game is only slightly preserved? Yes.

1152. Where is that? I think I would say my own estate perhaps.

1153. Are you acquainted with a district where game is not at all preserved? Yes.

1154. Where is that? I believe in a district nearly adjacent to my own estate, on the other side from the Duke of Buckingham's, it is not preserved.

1155. On that estate where it is not at all preserved, is there any game? I think there is a little.

1156. On the estate where there is little game, and which is not preserved, are you aware whether there is any poaching? There may be some, but I should think very little compared to the other.

1157. Are you aware of the extent of poaching upon the Duke of Buckingham's estate? I really cannot say that I am aware exactly of the extent; it is very well preserved; I think there *is as little poaching as good keeping can prevent.*

1158. Can you take upon yourself to tell the Committee whether there is more poaching upon the Duke of Buckingham's land than upon the same quantity of unprotected land? *I have no doubt there is much more, although it is as well preserved as possible, and everything is done to prevent poaching.*

1167. You state that game preserving operates very strongly against good farming? It operates, in my opinion, as a discouragement to good farming, although I know that there are instances where there is plenty of game where there is very good farming. May I state, with reference to this point, that a farmer with whom I am well acquainted, and who employs much more labour than any other individual in the parish, and who is getting rich, has frequently told me, that if there were as much game in the parish in which he resides as there is in the neighbouring parishes, nothing in the world would induce him to remain there.

1168. Do you know, of your own knowledge, any farmer well to do, satisfied, and in his right senses, renting under a landlord at the present time who is a great preserver of game? Yes, I think I do, many.

1169. Do you know very highly cultivated farms at present, under any nobleman or landlord, where there is a great deal of game? I feel sure that the Duke of Buckingham has several.

1170. You have stated that there are districts in the county of Buckingham, where a fourth of the produce is destroyed by game; what districts are those? I extremely dislike mentioning names, but if the Committee desire it, I am ready to do so. *I have no doubt that it is the case in districts near the Duke of Buckingham's estate.*

1171. Any other district? I think that there have been such cases on my own estate.

1172. Any other? No other that I am well acquainted with;

but before bringing this matter before the Buckinghamshire quarter sessions, I consulted farmers and persons whose opinions are likely to be correct—not exaggerated—upon these matters, and I especially consulted my own former steward, who was with me 12 years, and who is a very judicious man, and who gave me that opinion.

1173. You stated that there was a district near you in which there was no preservation of game at all, and that that district was in the vicinity of the Duke of Buckingham's estates? In the vicinity of mine; the Duke of Buckingham has land to the west and to the north-west of me; then I am in the middle; and to the south-east of me is the district which was in my mind at the time. This district, where I think game is not preserved, is on the other side of mine.

1174. You have stated that one fourth of the produce of a certain district was destroyed by game: what was the full amount of the produce of that district of which one fourth was so destroyed? I will give an answer with regard to my own estate; I will say that there are fields of wheat of mine in which I should have had five quarters of wheat to an acre, and where I have not had four, in consequence of the game; that is not the case now; but that has been the case with regard to my own farm when I had a great deal of game.

1182. You have stated that in the event of farmers being their own valuers of the damage done by game, their own valuation would be far short of the real damage; is that so? What I mean to say is this: there are in the country good farmers, high-spirited intelligent farmers, who value the good cultivation of their lands so highly, that any pecuniary amount at which they would themselves value the damage done to them by game, or by hailstones, or by anything, would not be a compensation for the injury inflicted.

1183. You include atmospheric causes in that? Any injury: I mean where the farmer takes a pride in the cultivation of his land.

1184. The question refers to absolute loss of profit, not to mental injury; do you think that the amount at which the farmer himself would value the damage sustained would not be more than sufficient to cover the loss? I do not think that a farmer who aims at good cultivation, as I desire that my farmers should, can be compensated by any money for the damage done to his farm. No pecuniary compensation can make up to a man that wants to have the best cultivated farm in the county.

1185. Would not the pecuniary compensation that he would ask be sufficient to cover the real amount of loss? Of course it would.

1186. You were understood to state that, supposing game was entirely abolished, you do not think that poachers would fall back upon other crimes? I stated that those who take to poaching are men who would not be guilty of other offences. I do not say that men who are experienced poachers would not fall back on other

crimes; I think they would; but I say that many men take to poaching in consequence of the excess of game.

1187. Are you not aware, in your capacity as a magistrate and also as a resident country gentleman, that, in very many instances, boys commence crime by thefts and other species of crime before they take to poaching? I really should think not.

1188. You have never known instances of it? I may have known instances; but I think there are more boys who are corrupted by poaching than who are corrupted by taking to any other species of crime.

1251. You say that if there was less game, there would be more corn grown? I think there would.

1252. Supposing there was more corn grown, would not the remuneration price to the farmer be less? Not necessarily; he might grow it cheaper.

1253. Would labour be cheaper? Not necessarily.

1254. Can a farmer at present employ all the hands in his parish? I believe those who employ most gain the most from farming.

1255. Can the farmer at present employ the spare hands of his parish? Many farmers do, and with advantage.

1256. Do they all? No.

1257. Then if all the hands employed by large establishments at present in the care of game were to be thrown upon the parish, would not that increase the number of hands out of employment? I do not think that it would necessarily have that effect. I think that good farmers would be glad to take all those spare hands, and they would derive benefit from it.

1258. If those spare hands have been employed from their earliest infancy in the care of game, and not in agricultural pursuits, how will the farmers make them available? I should think those men who have been employed in the care of game, who are generally intelligent, active, clever fellows, would make very valuable farm labourers, and be of great service as cultivators of the land.

1259. Do you think that would be a certain consequence? Indeed I should be very glad myself to take as many of those who have been employed as watchers and keepers, and to employ them upon my farm, as I could afford to pay.

Persons who hold small portions of land, either as tenants or owners, though by taking out a certificate they would be at liberty to destroy the game which may come in and ravage their property from the preserves of the neighbouring proprietors, commonly abstain from so protecting themselves, for fear of giving offence to the game preservers of the neighbourhood; and Sir Harry Verney thus reiterates and supports his previously expressed opinion, that game seriously interferes with good cultivation.

1290. Mr. *Villiers.*] What are the grounds upon which you have stated to the Committee that the land is worse cultivated in consequence of the preservation of game, to which you added that, in your opinion, the labouring classes would be better off if the land was better cultivated; are you speaking from your own experience as a farmer, or has it come to your knowledge from communicating with farmers? My authority as a farmer is not worth much, but I speak from my own experience as a farmer; and I feel quite satisfied that if there was less game, there would be a very superior cultivation of the land in many districts; and the more highly the land is cultivated, the more does the labourer improve in condition, and the more highly is he esteemed, and the better off is he in every way.

1291. Are the Committee to understand that you have been deterred from employing more capital on your land in consequence of the preservation of game? No; but I am sure that other farmers have.

1292. Are the Committee to understand that farmers in your neighbourhood, with whom you have had communication, would employ more labourers but for the damage they expect from game? I have no doubt of it in the world.

1293. Would you be able to state the names of persons occupying land who have told you that? My own farmers have told me that they would employ more capital if they had less game.

1294. You were understood to say that you allowed your own farmers to destroy the game upon their land? Yes.

1295. Can you inform the Committee what the particular reasons were for which you gave them that liberty? I gave them that liberty because they told me that they were injured by the game upon their lands; and I think that it is a duty incumbent upon a landowner to enable his farmers to put themselves in the best condition that they can.

1296. Have you observed any difference in the farming since you have given them that liberty? I have.

1297. Do you think they have employed more capital? I do.

1298. Do you think more produce has resulted from that increased employment of capital? I do; I only gave them that liberty last September, but I think they have since that employed more capital.

1299. From your particular case, should you infer that if farmers generally had leave to destroy the game upon their land there would be more produce? I think there would.

1300. Do you consider that if there was more produce it would be injurious to the farmer generally? I think it would be greatly beneficial.

1301. Do you think that the fall in price that would follow from the increased produce would be injurious to the farmer? I am not sure that a fall in price would be the result of increase of produce, but at all events, the stimulus which agriculture would receive would be beneficial to the farmer, and to every class of the community.

1302. Do you include in that answer the agricultural labourer? *First and foremost, above all.*

There are many universally recognized distinctions between game and other property, and between offences against the game laws and other offences, which are to be traced to the very nature of the subject, namely, that game consists of wild creatures which have no natural existence in a country circumstanced as all the cultivated districts of this country are, though some of the witnesses, while admitting the distinction, were not able altogether to account for it. Sir Harry Verney thus speaks on the point:

1307. Will you state from your experience as a magistrate, whether there is a difference in the moral feeling with respect to poaching, and with respect to other offences? I do think there is.

1308. Have you had opportunities of observing that from the bench? I have.

1309. Would you say that there is a difference manifest in the feeling of the people in the court, or in the expression of opinion, as far as it is allowed, with regard to a poacher, or a sheep-stealer, or other offender? Yes, I think I have observed that.

1453. Lord *G. Bentinck.*] You said that there was a strong feeling amongst the labouring classes and farmers, that to commit an act of poaching is not a moral offence? Not so degrading as other offences.

1454. Is there not the same sort of feeling with regard to smugglers? I dare say there is.

1462. With respect to gleaners, are you prepared to say that gleaners should have a right to glean against the will of the occupier? No, unless it were proved out of the divine law.

1463. Then what is the distinction you draw? The distinction I draw is, that I think the existence of a vast quantity of game has such a peculiarly prejudicial effect, that I look upon it in a different light from any other property.

1464. What is the distinction between the man who takes your pheasant, or your hare, or your partridge, and the gleaner who should take a little more corn than would be quite right? I should say that the cultivator of the land has been at all the expense which goes to the production of corn; but the landowner upon whose property the game is taken, has, perhaps, been at no expense with regard to the pheasant or the hare.

1465. Of course the labourer can have no more to do with the cost of breeding the pheasant or the hare, than he has with the cost of cultivating the corn? The labourer is not entitled to the one or the other; he has gone to no expense either in producing the corn or in breeding the pheasant or the hare; *but in his own mind he draws a distinction as to the right of property which the owner of the soil has in the one or the other.*

1466. Just the same distinction that the smuggler draws as to the right of the crown to prohibit spirits being imported or made without payment of duty? I do not think that it stands upon the same principle at all, because the game may be bred upon your land, and you may have had all the expense of breeding it, and it may come upon mine; and the poor man says, who sees it upon mine, "Sir Harry Verney has been at no expense with regard to this, and he has no right to it." But as far as being an infraction of the law, of course the principle holds good in the one case as well as in the other, and the poor man who takes it has no right to it.

1467. No more right than to corn, or to carrots, or turnips, or anything else that he may steal? No more.

1468. With respect to pigeons, are you prepared to say that everybody should have a right to kill pigeons? I am not prepared to say that.

1469. Then what is the distinction you draw between pigeons and pheasants and partridges? I say there is a certain distinction to be drawn, because the pigeons are bred in a dove-cot; *but the game is a wild animal, and cannot be identified.*

1470. Do you mean to say that you can identify a common pigeon? I believe that my keeper can. I believe that if I was walking in a field with my keeper, and I saw a pigeon, he would be able to tell me whether it came from my dove-cot or not.

1471. Do you seriously believe that anybody can identify a pigeon unless it is peculiarly marked? In walking about with my keeper, the keeper has constantly told me, when I have seen pigeons, where they came from.

1472. Is it not a much stronger case with respect to the owner of a dove-cot; could not I have a dove-cot without possessing two acres of land, and might I not breed 1000 pigeons to feed entirely upon my neighbour's land? Yes, you might, certainly.

1473. Where there are two dove-cots, do not the pigeons continually shift from one dove-cot to the other? I was not aware of that. I have always believed that the possession of a dove-cot is a manorial right. The lords of manors used to have dove-cots.

1474. Does not a dove-cot stand on the same right as a barn, or a shop, or any other tenement? I do not think, because I cannot do perfect justice with regard to pigeons, which do comparatively little damage, that I should refuse to do justice with regard to game, which I believe does great damage.

1475. What yo you say as to cocks and hens? They can be identified, there is no doubt about that.

1476. Because the cocks and hens belonging to one man feed upon the produce of another man's land, you do not think that on that account no man should be allowed to feed cocks and hens? No; but I would not allow cocks and hens to trespass. The owners of cocks and hens are punishable for their poultry trespassing.

1477. May not the occupier of land drive off the pheasants and

partridges from his corn if he thinks proper, unless it is matter of private contract between him and his landlord? I should think he might, certainly.

1478. Then where is the injustice, where there is a private contract between the occupier of a farm and his landlord, in the occupier of the land being obliged to maintain and to suffer the presence and subsistence of the game on his land? I do not think there is any injustice where there is a private contract. I think, wherever there is a private contract, that contract must be adhered to.

Sir Harry seems to think a small quantity of game has the effect of inducing gentlemen who are fond of shooting to reside in the country, and therefore he would not entirely destroy game, but he felt quite sure that a great quantity of game was not necessary to such inducement. His opinions, however, seem to be rather in a transition state, or, perhaps, residing in a badly farmed county, Buckinghamshire, he has not been accustomed to observe the effect of game upon land highly farmed. However, his previous testimony would lead inevitably to the necessity for a total destruction of game. Sir Harry thinks landowners who preserve are not aware of the mischief they do, and to some extent this is certainly true.

1346. Mr. *Villiers.* Do you think that people who preserve game strictly are aware of the mischief it does to the farmer and to the labourer? I feel satisfied that those whom I know, who preserve strictly, do not hold my opinion, or else they would abandon it.

1347. You stated that the Duke of Buckingham preserves strictly in your neighbourhood; do you know whether his tenants and his labourers are agreed as to the mischief which game does to them? I have never consulted any of them. I do not think I ever spoke to one of them upon the subject.

1348. Is it possible that many farmers are not aware of the evil it does them? I think that every farmer must be aware of it.

1349. Is it possible for a game preserver and proprietor to be ignorant of it? *I think it is very probable.*

1350. Then it sometimes happens that a large proprietor, with a large establishment, who is a strict preserver of game, is injuring the farmer and not conscious of it? It happened to me when I was a preserver of game. The first testimony I received was, my farmer smiling when I asked him whether he had not too many hares; I have no doubt I had been inflicting injury upon him, when I had not thought about it.

1351. Is there any case that you know where game is strictly

preserved, where compensation is not asked for? I believe in many cases it never is asked for.

1352. The mischief is done, and no compensation given? No compensation was ever demanded of me.

1353. Is it generally the case in your county still, that the farmer is injured by the game and no compensation is sought for? No; I think I have generally heard that pecuniary compensation is given to farmers who complain.

1354. Have they any right to compensation unless there is a special agreement? I cannot suppose that they have.

1355. Have you many game preservers in the county of Buckingham? No, I should think not. We have very large properties in the county of Buckingham. I think there are not very many game preservers.

1356. You were understood to say that the farmers are poor, and the labouring population very ill off? I do not think I said that the farmers are poor, but I think the labouring population are very ill off, compared with what I think they might be made. I think they ought to be very well off, and the farmers too.

1357. Can you give the Committee any information as to the general state of those farmers where the game is very strictly preserved on an estate; with respect to the Duke of Buckingham's farmers, are they generally compensated for the game that is preserved, and which injures them, or are they well off without compensation? I have very little doubt that every farmer who is injured by the Duke of Buckingham's game applies for compensation and receives it; but it is my opinion, as I stated before, that whatever pecuniary compensation the farmer gets, he would be better off without it and without the game.

1358. You do not believe he can be compensated by money? I do not think he can.

1359. You have stated that you have no doubt that in a well cultivated farm the whole produce is diminished by game? Vastly diminished.

1360. Are you of opinion that even if the farmer receives a pecuniary compensation, still he does not cultivate his land highly in consequence of game? I am of that opinion: I think it is such a great discouragement to his cultivation.

1406. Can you perceive a sensible difference in Buckinghamshire, in the condition of labourers and farms, where game is, and where it is not preserved? I cannot perceive any difference on farms, and I do not know whether I can say that it is visible even in districts; certainly not on farms; I think the question would hardly apply well to a farm; to a district it might.

1407. Is the system of farming in Buckinghamshire better on farms where game is not preserved, than where it is? The system of farming is better where there is no game, and it is improving where the game is diminishing.

He thus disposes of the notion that game creates employment:

1374. Do the men employed upon game, upon battues, for instance, create as much food beyond what they consume, as they would if they were employed upon the cultivation of the land? Not at all.

1375. They assist in maintaining the head of game, but regarding game as an article of food, their labour is not nearly so productive as it would be if employed upon the land? No, they would contribute to production very much more if they were employed upon the land.

GAME PRESERVERS' DETAILS OF GAME PRESERVING.

The following evidence will afford the reader some notion of what game preserving is in the estimation of three noblemen who are very notorious game preservers, the Marquis of Salisbury, the Earl of Malmesbury, and Earl Fitzhardinge. It fully supports the opinion so clearly expressed by Mr. Pusey, that game can only be preserved artificially, and at great cost to the preserver. The mischief it occasions to all within the sphere of its influence will be made sufficiently plain by subsequent divisions of the evidence. The Marquis of Salisbury came to support the present game laws; he was examined in March, 1846. With that sort of oblique astuteness which imagines it can meet an objection by evading it, the game preservers were often pleased to commence their defence of game, by showing that game in wild and uncultivated districts had a money value, sometimes greater than all the other produce of the land, that other produce being in the instances referred to, literally nothing. Now this would be readily conceded by those most aware of the injury produced by game, but what does it prove as with respect to cultivated districts? However, let the preservers speak for themselves.

3631. Mr. *Berkeley.*] Have you ever made any calculation or remarks as to the value of game, and the effects of game *in the Highlands of Scotland?* I have inquired a good deal into that subject, and I have had some opportunity of becoming acquainted with it.

3632. What is the proportion of the value of game to the value of land in Scotland? It is extremely difficult to state the proportion; in many instances *the value of the game is greater than the value of the land;* the proof of that is, that amongst people conversant with these things the game is charged also as a separate item in the valuation, and taken at 15 years' purchase. There is one statement that has been made to me of a considerable manor

on which the game is let at £500 a-year, the rent being £120 a-year; *it is in the Highlands.*

3633. Then as regards Scotland, game may be considered as a very valuable commodity? Decidedly: I consider that it is a very valuable commodity in England, but in Scotland it makes a very large proportion of the rental value.

3634. Do you preserve game in England? Yes, and have preserved it for many years.

3635. Have you land on which you do not preserve, over which you give your tenants leave to shoot? No; in all cases, ever since the passing of the Act making the sale of game legal, I have made a practice of charging the tenant with a rent expressly for the game.

3636. Is that in cases where you do not reserve the right of shooting to yourself? Exactly.

3637. How much do you charge the tenants per acre for the game you leave to them? On small detached properties I have generally charged it at 1*s.* an acre, and in some instances I have let a whole manor together at a very considerable increase of rent; I could not state exactly what it was per acre. I have a manor about 15 miles from town,—when I say that it is my manor, it is my property, because manorial rights are quite done away,—of 600 or 700 acres, which I let at £100 a-year to my tenant, and my tenant lets it to his tenant at £130 a-year; I cannot state exactly the sum, but I receive £100 a-year for it.

3638. Then in all cases you regard game as private property? Most decidedly; it is so regarded by law, and it was always so regarded. The right of property in game was materially altered and interfered with in the reign of Charles the Second, by the Act with regard to qualifications; but the Act permitting the sale of game restored the law to its former state, and in the strict construction of the law, game is private property.

3639. And it is put upon the footing of other food for general consumption? Decidedly.

3640. Do you find that the preservation of game has any ill effect upon the morals of the surrounding poor? *I have a very strong opinion that it is exactly the reverse.** I have property in different counties, and I find that where game is most strictly preserved, the population are much the quietest and most orderly, and there is much less serious crime.

3641. Do you think that the watch that the keepers establish on the property during the night is a prevention of other rural crimes? No doubt, and it leads to a knowledge of the character of all the individuals.

3642. Do you think that the preservation of game, and the constant residence of a landlord on his estate, are conducive to the expenditure of a considerable amount of money? Very much so, and

* Let this opinion be remembered when the Under-Secretary of State's evidence is read.

still more especially, *I ought to say, in the Highlands*, where the sums of money which are spent in consequence of the preservation of game are enormous; *in point of fact, it is the whole trade of the country.**

3643. Then are the Committee to understand that this money, in the Highlands particularly, would not be spent unless it were for the sports of the field or the moor? I believe certainly not.

3644. Do you think the preservation of game, and the sports attached to the field, are conducive to the residence of the landlord upon his property? I should think so, decidedly.

3645. Do you think that the sporting occupations of the proprietor lead him into more frequent opportunities of becoming acquainted with his tenantry and the poor? Yes; I think anything that promotes residence in the country must have that effect; it brings different classes of people together very much. *It is not probable that I should very often go over farms where I have no inducement to go but for sporting.*†

3646. Do you find that the preservation of game produces any ill-feeling between the tenantry, or between you and the poor? I think not; in some cases it may, but I do not think it ought in any case. So far as I am concerned, I can say decidedly the contrary; it gives me the power to oblige *several individuals*, and it also leads to the employment on my part of a great number of labourers whom I should not otherwise employ.

3647. In those cases in which you think it may produce ill-feeling, are the Committee to understand that that ill-feeling arises from some error, either on the part of the tenant, or some person who infringes on the landlord's right of game? I am of opinion that it principally *arises in cases where game is not very strictly preserved*, and where, in consequence, the rights appertaining to it are not very exactly ascertained. I would instance, that I have heard, but I have not any knowledge of the fact, of there being a great deal of ill-will and ill-feeling in the part of the country in which I reside, between different farmers with regard to common lands, where the rights are not exactly ascertained, and the game is not strictly preserved. *Of course it may arise where the tenants may think that they are injured by the preservation of game.*‡

3648. Do you let your farms at a game rent, so as to meet any casual damage from game? Decidedly; I do not mean by that to say, that I formally deduct so much money for the preservation of game, but it is taken into consideration by the tenant and by me.

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* This is about as good an argument for keeping game in Norfolk and Suffolk as it would be to say, that in the Oregon territory trapping bears or beavers is the whole trade of the country, and thence urge the desirableness of bear and beaver preservation in England.

† By those who have seen the inferior state of cultivation of many of the noble marquis's farms, this statement will be readily believed.

‡ That is, as will presently appear, wherever game is preserved.

3650. Do you find that poaching is on the increase or decrease on your property? I should say very decidedly on the decrease; and I may add to that, I believe that decrease arises very materially from the more general preservation of game in my neighbourhood.

3651. Do you find that there is more poaching and other crime, as well upon lands which are neglected, and where there is little preservation of game, than there is on lands where the game is more protected? I am sure of it: I do not know whether there is any means of getting at that by the returns from our county gaol; but I am confident that it will be found that the number of poachers who are committed to our county gaol are almost all from those districts *where there is a very imperfect preservation of game.*

3652. Have you any returns showing that? No, I have not: I was not able to get it. I was anxious to get a return of how many married and how many single men there were, but they did not keep that at the gaol. I have a return from the gaol of the number of prisoners committed for poaching: from Michaelmas 1841 to Michaelmas 1842 there were 80; from 1842 to 1843, 91; and from 1843 to 1844, 122. It is rather singular that the number of commitments to the gaol and house of correction have increased gradually from 1842 to 1844; whereas, on my manor, the number has gradually decreased. *That shows, I think, the effect of strict preservation.*

3653. Then do you believe that these more frequent convictions in the three years to which you have just referred, 1842, 1843, and 1844, have arisen on land where the game has not been strictly preserved? I do.

3654. Do you in your county consider that the game is as much under the care of the police as other private property? No: I think that that is a very great defect in the establishment of the police, that it is generally understood that game is not under their care.

3655. Do you think, that if they had a right to interfere with poachers found on the roads at night in the possession of game and arms, that would tend to put down the nightly gangs? They have a right to interfere; but it is generally understood that it is not their special object, and therefore they do not do so. *I think that a very great evil.**

The marquis then gives his game accounts for 1844 and 1845. He did not state on what extent of land the expenditure was incurred, but one cannot fail to be struck with the sad waste of money employed in maintaining vermin, which probably destroy

* This is the game preservers' grievance, of which the reader will find something more under the 6th division.

or prevent production of grain and wheat to tenfold that expenditure.

3695. Can you give the Committee any information as regards the amount of labour employed by you in preserving game? Yes; I have brought this return for the purpose. I have all my game expenses put down for two years.

[*The Witness delivered in the Returns, which were as follows:*]

GAME EXPENSES, 1844.

	£ s. d.	£ s. d.
Wages . . { Keepers . . .	290 11 8	
{ Mole catcher . .	35 6 8	
{ Watchman . .	36 8 0	
		362 6 4
Nightwork	6 18 0	
Keep of 10 dogs	43 6 8	
Game certificates	12 12 10	
Game bags, Willson . . .	1 13 0	
Powder and shot, Folkard . . .	42 5 11	
Traps, Nunn & Son	1 10s. 0	
Cordage and string, Farebrother . .	1 2 6	
		109 8 11
Oats, 148 bushels	21 7 9	
Hay, 123 trusses	15 6 0	
Straw, 153 trusses	4 18 9	
Barley, 128 bushels	28 5 0	
Beans, 147 bushels	34 8 0	
Indian corn, 132 bushels . . .	24 15 0	
Buckwheat, 34 bushels . . .	9 15 6	
Off wheat, 21 bushels	4 5 0	
		143 1 0
Barley and oat drags, 16 loads, at 20s. .	16 0 0	
Stackwood : 31¼ stackwood . . .	25 0 0	
Faggots : 2,780 faggots . . .	10 7 9	
		51 7 9
Miscellaneous charges in labour-book . .	42 14 11	
Ditto . . articles from Whitehead .	10 4 1	
Ditto . . ditto, from Parry . .	3 12 10	
Ditto . . ditto, from Smith . .	0 10 0	
Ditto . . ditto, from Swaine (Smith) .	2 15 10	
Ditto . ditto, from Bryan . .	0 16 0	
Ditto . . ditto, from Smiths & Wheelers	2 5 0	
Ditto . . ditto, from G. Farr, grinding .	1 3 4	
Ditto . . ditto, from Gilbertson, 40 casks	4 0 0	
		68 2 0
1,331 quarts milk	5 11 1	
Difference in value of turkeys and fowls sold .	8 18 11	
		14 10 0
	Total £	748 16 0

Game Expenses, 1845.

		£	s.	d.	£	s.	d.
Wages	Keepers	294	1	8			
	Mole catcher	53	12	3			
	Watchman	36	8	0			
	Garden men's time in beating	9	2	6			
					393	4	5
Nightwork		21	1	6			
Keep of 10 dogs		43	6	8			
Game certificates		15	6	2			
Clothes, Willson		1	15	0			
Powder and shot, Folkard		42	5	2			
Drag nets, Porter		2	3	9			
	£ s. d.						
Traps, Veall	28 8 6						
Deduct traps sent to Rum	10 10 0						
		17	18	6			
Cordage and string, Farebrother		5	9	4			
					149	6	1
Oats, 132 bushels		20	14	6			
Hay, 72 trusses		9	9	0			
Straw, 153 trusses		7	3	9			
Peas, 80 bushels		19	1	0			
Barley, 433 bushels		82	12	8			
Beans, 147½ bushels		40	6	0			
Buckwheat, 77 bushels		23	1	0			
Lentils, 16 bushels		4	16	0			
Off wheat, 35 bushels		7	0	0			
					214	3	11
Rice, Gilbertson, 2¼ cwt.		1	11	6			
Barley and oat drags, 19½ load, at 20s.		19	10	0			
					21	1	6
Stackwood: 34¾ stackwood		26	11	0			
Faggots: 2,750 faggots		9	7	3			
					35	18	3
Charges in the labour-book		31	19	10½			
Sundries, Whitehead		6	18	4			
Saddlery, Arch		1	5	10			
Ditto, Parry		3	16	6			
Wheeler's work, 29s. ; smith's work, 17s. 2d.		2	6	2			
Shoeing, Swaine and Bamford		3	15	4			
Pans, &c., Bryan		1	1	6			
Grinding, G. Farr		1	17	8			
Paper (one ream), Gilbertson		1	0	0			
Iron work, Nun and Son		1	2	6			
Cooper, Wing, and Wingrave		1	0	0			
Ancill, 10 hens, 10s. ; Elderton, 460 eggs, 22s. 6d.		1	12	6			
Hens, loss in value, from farms, 48s. ; 842 quarts milk, 7os. 2d.		5	18	2			
					63	14	4½
	Total			£	877	8	6½

3696. What quantity of game have you killed in any one year? I have an account since 1842. In 1845 I killed very little, because I had no time.

[*The Witness delivered in the Account, which was read as follows:*

YEARS.	Number of Pheasants.	Number of Partridges.	Number of Hares.	Number of Rabbits.	Number of Rats.	Number of Moles.	Woodcocks.
1842	509	818	535	2002	4251	No account kept.	—
1843	735	391	585	2714	4539		—
1844	494	766	495	3904	4498		12
1845	507	416	286	1405	6515	3324	5
Total for Four Years.	2245	2391	1901	10,025	19,803	3324	17

3697. By that return it appears that you have killed a great number of rats. There has been a witness before this Committee who led the Committee to believe, that so great was the restriction upon the land that the tenants were not allowed to kill moles or rats? I, of course, heard of that accusation, and that led me to have the number of rats which were killed stated in the return. You are alluding to the evidence of Mr. Nowlson, a respectable gentleman who was particularly anxious to become my tenant *if we could agree. My taking that land into my own hands arose from my being a very considerable farmer myself;* holding a good deal of land in my own occupation, and being very much dissatisfied with the destruction of the rats, finding that what was represented as the shooting of several rats turned out to be this, that their tails were cut off (they were paid by the tail); and, *on another occasion, tracing the foot of the rat-catcher to a pheasant's nest*, from which the eggs were taken, which I thought he might as well have left to the rats to do; therefore, I said, *I will not allow these men to be employed upon the property where I preserve, but I will take charge of the destruction of all the rats myself*, and I believe that gave great satisfaction to the people.

3698. Was Mr. Nowlson anxious to hold under you? Yes; not in the part where I preserve, but in another part.

3699. And you declined his tenancy? I did.*

3700. Have you any objection to state why you declined his tenancy? Not at all. He wanted to rent a farm next to that which

* The marquis will have nothing but yearly tenants, and Mr. Nowlson being a good farmer, required a lease; and failing that, an agreement by which he would receive repayment of his outlays in improvement. That could not be arranged, and Mr. Nowlson declined the tenantcy. The marquis speaks of being a large farmer, but report says often unwillingly, from inability to find tenants who will take farms upon his lordship's terms. When it is remembered that the estate is within 20 miles of London, this affords a striking illustration of the system on which landed property is mismanaged.

he had just left; there were a great deal too many ifs in his proposal, and we could not agree. I believe there was to be some alteration in the rent if the corn laws were altered, and some alteration in the rent if something else occurred; in short, he made so complicated an affair of it, that I declined to have anything to do with it.

3705. With respect to the culture of your farms, have you found upon your farms that the game and produce have increased together? Decidedly: in the first place, I hold winged game to be exceedingly beneficial to arable land, because they destroy a vast quantity of insects.

3706. Have you found that it is very easy for good farming, greater produce, and increase of game, to go hand in hand together? Certainly; of course there must be a measure to that. I ought to say that my tenants, (with the exception of about 1,000 acres, where I do not allow coursing, I keep it to myself,) have the unlimited privilege of coursing.

3707. Do you feed your game in your covers? Certainly; I suppose every game preserver does that, *or he would have very little game.*

3708. Mr. *Villiers.*] Is that included in the items of expenditure for preserving game? Yes.

These are his lordship's instructions to his armed bands for carrying on *war* against the poachers: like a judicious commander, he requires that his force should be sufficient to overwhelm opposition; but what will the country think of the system which requires such generalship? The following evidence does not relate to Caffreland, but to Hertfordshire!

3722. Mr. *Bright.*] What is the extent of property, in acres, over which you preserve? I should think somewhere about 4,000 acres; I suppose I must not include what I have in Scotland.

3723. Is that moor land? It is all moor land.

3724. What number of keepers, and assistant keepers and watchers for the preservation of game, have you upon those 4,000 acres? I have, I think, seven in regular employ besides my keepers, and my keepers have unlimited power to take any number that they choose; *they have only one instruction, never to attack poachers with an inferior force.*

3725. How are they armed? With bludgeons or common sticks. *I do not believe that they take out fire-arms, but I do not interfere much with them.*

3726. Do you know that they never take out fire-arms? No, I do not.

3727. Have you ever given them instructions that they should never take out fire-arms? *No.*

3728. Do you believe that they never do take them out? I think none but the head keeper takes fire-arms.

3729. Do you think that he makes a practice of doing it? I rather think he does not.

3730. Do they keep *mastiffs and dogs of a ferocious character? Yes; I always encourage them to do so.*

3731. How many dogs of that description do they keep? I think they generally have about three or four dogs of that kind; in fact my retrievers go out.

3732. Are those dogs which they take out for the purpose of assisting them in their contests, if they should unfortunately meet with poachers? I should think so.

3733. Do they keep any dogs which are able to track poachers, of the bloodhound species? No; but I should think any one of the retrievers would do that; there is not any single terrier that would not do that. But with regard to tracking poachers, the keeper is a very bad one who cannot track a poacher through a wood without the assistance of a dog.

3734. Have you had any case of a poacher being injured by one of your dogs? No.

3735. Mr. *Cavendish.*] Are the dogs muzzled? I do not know, but I imagine that they are not muzzled; they are not dogs of a kind that would hurt. Many people do take out bull dogs, and they muzzle them, but I never willingly would take a bull dog out; I do not think he is a safe animal.

3736. *Chairman.*] Do you know any case in which a bloodhound is kept for the purpose of hunting poachers? No; *if I thought I could detect a poacher by it, I should have one.*

3940. Mr. *G. Berkeley.*] You have been asked a question by Mr. Bright, as to gamekeepers carrying their guns; have you ever known your head gamekeeper use his gun upon poachers at night? No, I never have; I have known that he has had it; I recollect one case in which he had his gun.

3941. But he did not use it? No, he did not fire it.

3942. Would he be borne out by the law if he used that gun for the protection of his own life, if he was fired on by a poacher? I should think so; and in that instance I think he might have fired. *The poacher fired at one of the keepers and got away; the keeper might,* I THINK, HAVE FIRED IF HE HAD PLEASED.

3943. Are you aware that poachers very often take out savage dogs? I have no doubt they do; I recollect an instance many years ago.

3944. In the event of the keeper taking out savage dogs at the same time, would not the keeper's dogs prevent the poacher's dogs from worrying the keeper? If he was desired to do so.

3945. Are the dogs used more for the purpose of detecting the poacher than for seizing him? *For seizing him, I should say; or, rather for the purpose of striking terror; a dog is always worth a man.**

* The baiting man with ferocious animals has always been regarded by civilized and Christian men with aversion; hence, the horror with which the Roman sports of that kind, and the atrocities committed in the West Indies on rebellious slaves, by means of bloodhounds, are regarded.

And his lordship seems to use his keepers to assist him in "knowing the character of the population," that is, the men most likely to catch a hare or a pheasant: the black list system of Col. Challoner.

3756. Mr. *Bright.* I understood you to say, in answer to a question of Mr. Berkeley's, that one reason why the population was more orderly where game is strictly preserved, was that it leads to a knowledge of the character of the population? That is one of the reasons.

3757. Do you mean by that, that through the instrumentality of the persons employed to preserve game, you obtain an intimate acquaintance with the character of almost everybody in the parish? To a great extent you know whether a man works or does not work; if he does not work, he must get his livelihood by dishonest means.

3758. Then, in point of fact, the keepers are a sort of feelers, to ascertain whether men are in work or not? I do not know: I should not much like a keeper that was all about the parish; but if you mean by that, that the keepers act as a police, I have no hesitation in saying that I look upon them as a very efficient police.

3759. Then if the keepers act as a police, which they appear to do undoubtedly to some extent, is it desirable that they should be the servants of any individual proprietor? No; my opinion is that it is not desirable.

3760. You stated that you thought it would be very desirable that the ordinary police, the county police, should have a greater share in the preservation of game than they have at present; that is, that game should be put as distinctly under their care as other property is; do you know at all how many gamekeepers there are in the county of Hertford? I have not the least idea.

3761. Do you think that there are some hundreds? No, I should think not.

3762. Some scores? Yes, some scores.

3763. You have stated, that in many parts of the county the preservation of the game is exceedingly inefficient, from which you suppose that there arises a greater prevalence of crime in some districts; would you recommend to Parliament that the scores, or hundreds, or whatever there may be, of gamekeepers now maintained in the county of Hertford, should be transferred from the individual proprietors, and placed upon the county taxes or upon the Consolidated Fund? I must have time to consider that question: it embraces a very wide field. In the first place, the efficiency of the police in its present form: secondly, the necessity of so large a force, if keepers were put under the police; thirdly, the expense, and how that expense is to be paid. It would, therefore, be impossible for me at this moment to recommend any measure of that kind to Parliament.

3764. If you think that for the preservation of the morals of a

district the strict preservation of game is desirable, and that gamekeepers are now a sort of private police, and you do not think it is desirable that police should be under the control of particular proprietors; I ask, these things being granted, much of which no man probably will deny, are you prepared to recommend, that instead of individual proprietors maintaining gamekeepers, the preservation of game should be conducted under the public control and at the public expense? I consider it the duty of the state to protect the property of every individual in that state;* how that is to be done is a question that leads to so much length that it is impossible for me to give a clear answer to it.

3765. As a large proprietor and preserver of game, would you think it proper that the preservation of your game as it is now preserved, should be carried on by persons under the control of, and paid by the county authorities in the same way that the county police are? It is impossible for me to answer that question; whether I think it proper, would involve my answering whether it should be so done. I have stated that I am not in a condition to give an answer to that. I have not taken the subject sufficiently into consideration to express an opinion upon it.

3766. Have you had any complaints from any of your tenants on the subject of game? Very few; I have had some complaints; the last complaint I had was I think about three years ago, and the tenant, I thought, was justified in making the complaint.

3767. What were the circumstances? The circumstances were that I thought there were more hares on his farm than I might fairly call upon him to maintain.

3768. How many do you think you may call upon a farmer to maintain? It is impossible to say; I can only tell by seeing whether they have done any damage or not. I saw that year that they had done damage, and in consequence I killed a good many, and allowed the tenant to have several days coursing, which completely satisfied him.

3769. Did you allow him any money compensation or any reduction of rent? No, he did not ask for it.

3770. Had that farmer any lease? No.

3771. Have any of your tenants leases? I hardly think there are any that have.

3772. They are from year to year, upon agreement? Most of them have been there from time immemorial almost.

3773. They have no written agreement whatever; there is nothing but an understanding? They have a written agreement, I think, most of them.

3774. I suppose noblemen and gentlemen often leave those matters to their stewards? Yes; I think they have all written agreements, but I am not certain of the fact; but it is very well understood. I never give notice to any of my tenants to leave

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* *Dolus latet in generalibus.*

unless *there is a very good ground for it*;* in point of fact, those tenants who have been with me any time, the greater part of them, or the families, have been with my father.

3835. Mr. *Villiers.* Are you of opinion that farmers are peculiarly prejudiced against labourers who are convicted of poaching? It is one evidence of bad character: they would generally prefer to employ persons on whom they could place greater dependence.

3836. Is there such a prepossession among farmers in favour of preserving game as to make them rather careful how they employ people who are likely to be poachers? I apprehend only that that prepossession which exists in all minds towards employing an honest rather than a dishonest person.

3837. But their vigilance with respect to the character of the labourer does not proceed from their anxiety to preserve game? Certainly not.

3838. Have you any doubt as to the feeling of farmers with respect to game, that they consider it injures them very greatly? I should say that most of them think that it inflicts some injury upon them: *but most of them will state fairly that that is considered in the rent*;† in short, if they knew that the landlord was a game preserver they would offer him a less rent for the land, and the game preserver knows that perfectly.

3839. Do you happen to know whether farmers are very often informers against poachers? Very seldom.

3901. You say that if the crime is nipped in the bud, if poaching is stopped, other offences are not committed? No: if I get 122 rascals into gaol, there are fewer rascals to commit offences.

3905. The number of rascals have gradually increased in the last three years: there are 80 rascals in 1842, 91 rascals in 1843, and 122 rascals in 1844: if there is a proportionate increase of those cases in 1845, will that be proof of poaching having been prevented? Certainly not; but it will be a proof, not that there are fewer rascals in the county, but fewer at liberty to commit depredations.

3906. Though the gentlemen preserve more strictly, in fact, there are not fewer rascals in the county? I cannot say that that is the fact; I cannot know.

3907. You will admit that it is a conjecture of yours, that there is any connexion between the increase of poaching cases and the decrease of other cases? Certainly, it appears to me to bear that inference.

3908. There is no other way in which you can account for the increase of the poaching cases, save the greater strictness with which game is preserved? No, I should say not, because I think in the year from 1842 to 1843 there was less employment for men than there was from 1843 to 1844.

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* That catching a hare, or putting the foot on a pheasant's nest, would be "a very good ground," is pretty well known at Hatfield.

† The farmers' evidence is unanimously the other way.

3909. Have you any return for the last year? No; but we have fewer people in gaol now, by a great many, than we had in any preceding period; I went over the gaol lately.

3910. There has been more employment? Yes.

3911. There are fewer poaching cases when there is more employment? Fewer cases, generally, and I believe fewer poaching cases.

3912. You do not know whether any of those convicted poachers that you have described are willing to take employment when it is offered them? I am quite sure they are not.

3913. Then the diminution in poaching cases when there is more employment, must be traced to the poor poaching less? Certainly; there is no doubt that you might get to a price at which they would not work at poaching in many cases.

3914. Do you confirm the opinion which has been stated by a witness before this Committee, that if game was not strictly preserved there would be no game? *Very little.*

3915. If there was very little game, there would be very little poaching? That does not follow. *If there was no game there could be no poaching;* but if there was any game what little game there was would be poached.*

3961. Mr. *G. Berkeley.*] You have been asked by Mr. Villiers about farmers employing poachers; do you think that a farmer would rather employ a labourer who was fresh to his work, who had not been up all night, than one who had been up all night, and was not fresh for work? There can be no question that the farmer would not consider a poacher as a desirable person to employ.

Mr. Bright then recalls his lordship to his plan of catching moles and rats, which certainly exhibits game preserving in all its stringency.

3792. Mr. *Bright.*] It was stated by Mr. Berkeley that Mr. Nowlson said that you laid restrictions upon your tenants, and would not allow them to destroy rats and moles. I will read you his evidence, and then ask you whether it is true. He says, "Various landlords have various modes of preservation; for instance, the noble Lord Salisbury, all round his estate, does not allow his tenants even to destroy rats or moles; he will not allow men to go upon the farms to destroy rats and moles. That information I had from one of his lordship's own tenants. His lordship keeps a molecatcher to keep the moles down within a certain district of his domain, and he keeps a ratcatcher to execute his duty." Then another question is asked, "But then the farmers are not allowed to do this themselves, but he keeps somebody to do it for them?" and he answers "Yes." Is that statement correct with respect to your property? No; *I do not allow ratcatchers or*

* This marks the artificial nature of a game preserve.

*molecatchers, but they may kill with their own hands.** I have nothing to do with them; in point of fact, it is an act of grace to the tenants, which I believe they feel as such.

3793. You have been asked whether Mr. Nowlson had not been lately endeavouring to treat with you for a farm, and you stated that he made a good many "ifs?" Yes, a good many conditions.

3794. Will you state to the Committee any conditions which he wished to make? There were a great many conditions about draining, and, in short, *it was so complicated a business that I did* not choose to enter into it. With reference to game, Mr. Nowlson might have had the game upon that farm if he liked. I have the farm in my own hands.†

3795. Was Mr. Nowlson disposed to have certain conditions which in your county are not usually made on the part of the tenant? Certainly; one of the conditions was, that I was to build him a great place in which to carry on a seed trade which he had established; and there were conditions *about draining which I thought were not good.*

3796. He wanted a stipulation with respect to the repeal of the corn laws, which you were not willing to grant? A stipulation with regard to a variation in the rent in consequence of the reduction of the price of corn; something of that sort, I cannot tell the exact words.

3797. If you were not disposed to grant such a condition as that, it may be presumed that it indicates that your opinion is that there will be no necessity for a reduction of rent in consequence of the repeal of the corn laws? My opinion is, that the repeal of the corn laws will have a very strong immediate effect.

3798. But not such as to justify the tenant in asking for a reduction of the rent? *I do not say that.*

3799. Mr. *Villiers.*] You told the Committee that Mr. Nowlson made that stipulation? That was one thing; but there were several things; one year there was to be one rent, and another year another rent; that I did not think it would be well to go further into it.‡

The Earl of Malmesbury's evidence also points in the same direction, and like most strict preservers, he retains the rabbits in his own hands, though the rats and moles seem to have escaped his superintendence at the time of the examination in March, 1846.

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* But they are not permitted to keep even a terrier dog! Possibly they feel that also an act of grace.

† And when treating with Mr. Nowlson, was very anxious to let it.

‡ The reader cannot fail to have contrasted this account of his lordship's account of the management of his game-ridden estate with that of Lord Hatherton's and Mr. Pusey's, from both of which the incubus had been removed.

4709. Mr. *G. Berkeley.*] Do you preserve game strictly? Yes.

4710. Do you reserve all sporting rights to yourself? Yes, entirely.

4711. What rights do you not reserve? It depends upon the places where I let my farms; in some places I allow the tenants to kill the rabbits at certain seasons of the year; in other places I give the tenants leave to course.

4712. Do you find that the fact of your preservation of game produces ill will between you and your tenantry? Certainly not.

4713. Or between you and the labourers upon your estate? Not the least.

4714. Do you find that the preservation of game is perfectly compatible with the interests of agriculture? It does not interfere with my estate in any sort of way.

4715. Do you think that it interferes in any way with the good cultivation of the land? Not if well managed.

4716. Do you let your tenants sit at an easy rent in consideration of your preserves of game? Yes, I do.

4717. Have you ever had any complaints made of pheasants and partridges? Never.

4718. Do you think that the moderate stock of hares you keep does any real harm to the crops on the farms? The stock that I keep does no harm, certainly.

4719. Do the hares and the rabbits lie much on, and feed on the heaths and commons? Yes.

4720. Do you think that two, four, or even 10 hares would eat as much as one sheep? I should think it impossible.*

4734. Have you a fishery for salmon? I rent a fishery of Sir George Rose, at Christchurch.

4735. Is the salmon considered private property? I believe so.

4336. Are the laws more severe for the protection of salmon than for the protection of game? They are quite as severe.

4737. Is it a fact that a man may possess the land on either side of the river and the water in that river for all use and purposes, except the catching of salmon? Not to my knowledge; *the river is a royalty*, and it belongs to Sir George Rose, who has no land on either side of it; but the soil of the river belongs to him as well as the water, and whatever grows in the river, such as rushes and weeds, and whatever the river produces in the shape of fish is his property, as being lord of that royalty and of the soil of the river.

4738. But for the purposes of washing and drinking, and minor things, the river may be used by another person? It runs through the town and is used.

4739. The salmon in that river are deemed exclusively private property? They are.

4740. The salmon in that river, by swimming up and down the river, may become the property of different owners in one night, may they not? Of 50 owners.

* So saith his Lordship; the reader will, by and by, see more on this point founded on actual experiment.

4741. You are aware that salmon and game, as far as becoming the property of different owners, are alike; that a pheasant, a hare, or a partridge, can move from one man's land to another, and the salmon can move from one man's water to another? I look upon salmon to be *feræ naturæ* as much as any animal in the creation.

4742. Is there not this difference between the salmon, and the partridge, the pheasant, or the hare, that the salmon can leave the river and become no British property at all by going to sea, whereas game cannot do so? The salmon that is in my river to-day may be, a week hence, off the coast of France.

4743. Do you find that the idle characters who assemble in the harbour adjacent, for the purposes of wild fowl shooting, or anything that they can get, often make inroads on your private fishery? We have had a great deal of poaching on our fishery, in consequence of its not having been properly protected for a great many years by the proprietors. Since it has been leased by us we have strictly protected it; and we have had very great difficulty in preserving our property. I never knew so much violence and depredation committed upon any sort of property as I have known upon that property in the last two years. Since we have punished the offenders rigorously, and the magistrates have administered the law, the depredations have decreased, and for the last six months we have, I believe, committed no offender: but I must say that, in the course of those two years, we were obliged to commit more persons for poaching salmon upon that river than have been committed by myself or my family for 40 years for game poaching.

4775. Do you think that the police should have a more defined right to stop suspicious persons at night, found with arms, nets, snares, or game in their possession, and to detain them till they gave a satisfactory account of the possession of those things, or the possession of nets for salmon, or of the possession of salmon in the vicinities of private fisheries? In my county, in Hampshire, an order is given that the rural police are not to interfere with any breaches against the game laws. If you ask me my private opinion of that, I think it very unfair; because, for example, on my estate the rates which I pay to the rural police amount to about £60 a year, and I never see one of them at my end of the parish; and upon asking why they were never seen near, I was told that, having 12 or 14 keepers, they did not consider it necessary that the police should look after my property. So long as game is property, (I do not pretend to say whether it is right or not that it should be so,) but as long as it is property, I do not see why the police are not to look after it as well as any other property.

4776. Do you know that, when there is a part of a river abandoned to the public, and where there is only a little chance wild fowl, persons will frequent that neglected water, and be induced by it to idle habits? Certainly.

4777. Then, do you think that a little wild fowl on neglected water induces more idleness and affords greater temptation and nursery for poachers than quantities of fowl well protected upon

other waters? If it is not protected, every idle person naturally goes and shoots what he can, and, from my own observation at Christchurch, the harbour there in the winter, where a great many wild fowl resort, is to a great degree a nursery for poachers and stealers of fish, and smugglers. It has never happened to me to catch a man upon my river. I have a great extent of wild-fowl shooting, and I never had a trespass committed upon me at all, nor do I recollect that my father had either.

4778. Then, does the amount of your experience go generally to prove that demoralization and crime are not contingent on great preserves of game, but that property of all sorts is safer, and the industry and morality better, rather than worse, where nightly depredations are checked, and a watch over the game and all rural property maintained by the large landed and resident proprietor? The preservation of game, it appears to me, argues the continual residence of the landlord. Where the landlord does not live much at his place, the game is not greatly preserved; the two things go together; and I think that the people are better employed and better disposed towards a landlord who resides on his property. They do not, as far as my own knowledge goes, appear to me to grudge his amusement; and I should say, speaking only of my own place, that I think that the average of poachers taken during the last 40 years, for poaching game, and convicted, had not amounted to more than two or three a year, and generally they have been always the same men.

4780. *Chairman*, Mr. *Villiers*.] Over what extent of property do you preserve game? I have been speaking of Hampshire. I have an estate in Wiltshire, but I do not live there. In Hampshire, of arable and heath land, I suppose there is about 12,000 acres.

4781. What is the name of the estate? Heron Court.

4782. You have stated the preservation of game over those 12,000 acres does not affect the agriculture there in any way; are the Committee to understand you to mean by that, that the game does not destroy the produce or consume the produce; or that the tenants of your farms being compensated by you for the damage done, are not dissatisfied? *They are not dissatisfied:* because when they took the farms they were let at what is called a game rent; being, as far as respects my property, about eight per cent. below what they would give me if I did not preserve.

4783. Yours is what is called a game estate? It has been preserved for 40 years, and there has been a journal kept, I believe, of every head of game killed upon it during that time.

4784. In consequence of its being a game estate, there is that reduction of rent which you have stated? Yes.

4785. The tenants are satisfied with the reduction of the rent in consequence of the preservation of the game, and they do not make any complaints to you of the damage done by the game? No; not at all.

4786. Would you have the Committee to infer, that if you did not compensate the tenants in any way, or allow that reduction of

rent, they would have reason to complain of the damage done by game? The damage, real or supposed, is calculated at the per centage I have mentioned.

4787. Have you the least doubt that game does damage to a farm? Pheasants and partridges, I should say, do more good than harm; a very great number of hares will do damage, and rabbits too.

4788. Without your having said that you keep a moderate stock of hares, Mr. Grantley Berkeley, in one of his questions, assumed that as a fact, and then asked you whether that moderate stock of hares occasioned any complaint on the part of the tenants; are the Committee to understand that the 8 per cent. reduction of rent is owing to the stock of hares that you keep? No, it is not specified; they are all let as game farms. If I reserve to myself the right of preserving and killing game, I get 8 per cent. less for the farm. If I give the game to the tenant, he gives me the full value of the farm in the market. Some farms I let at the full price, which I do not preserve.

His lordship's calculation of eight per cent. of reduction on rent by reason of game, looks like a large one, but his tenants, as he afterwards told the Committee, are but indifferent farmers, and probably do not calculate very closely. His own experience on his own farm, which he says shows that eight per cent. is an ample allowance for damage by game, will not go for much; for where the proprietor farms and preserves, the figures are easily managed. Besides, landowners seldom farm in a way to get profit. His lordship instanced a tenant who had been his gamekeeper, and who had since kept a large head of game on his farm, not only without complaint, but as a matter of choice and pride, and though that tenant was said to be the best farmer on the estate, his cultivation must not be rated very high; indeed the fact of his taking pride in game is a voucher for that, but his lordship does not leave the matter in any doubt.

4798. Mr. *Villiers.*] You have stated that one of your tenants had been one of your gamekeepers; has that man the same reduction of 8 per cent. in his rent? When he took the farm the farm was raised, I think, £60 upon a rent of £220, so that there was no reduction made.

4799. Was the rent raised in consideration of the game being strictly preserved upon it? No; it was raised because the tenant who had just died did not pay the full value that it was worth.

4800. This tenant is one of the best farmers you have upon your estate? He is as good as any; *I cannot boast of the farmers in that county.*

4801. The farming is very indifferent in that county? It is not so good as in some others, certainly.

4802. You have no statement made by that farmer that the preservation of game was no injury to the land? No written statement.

4803. He preserves strictly, and he gives you a better day's shooting upon his farm than you get upon any other? He does; he has a great pride about it, having been a keeper.

4804. But you have no evidence that he differs from other farmers with respect to the effect of game upon the cultivation? No.

4805. You state that the labourers on your estate are not at all demoralized by the preservation of game; have not you observed that the preservation of game has any influence of a contrary kind upon them? No, I should say not.

4806. Mr. Berkeley has referred to the beneficial influence on the moral and general character of the people of the strict preservation of game; you stated that your labourers were not demoralized; have you observed that influence from the preservation of game that Mr. Berkeley has spoken of? Certainly, in the manner I explained, *which was a general view of the case*, that where game is preserved the landlord resides, and where the landlord resides the labourers are principally employed and are contented.

4807. Are the Committee to understand that that is an observation which is invariable, that where the landlord resides the labourers are fully employed? I think generally so.

4808. Is that the case in Hampshire? I should say, certainly.

4809. The labourers are well off in Hampshire? The labourers in my county are very well off; in that part of Hampshire they have from 12s. to 9s. a week.

4810. Generally from year to year? All the labourers employed upon my estate have got that; and most of them have cottages free of rent; they pay a quit-rent of 1s. a year.

4811. You are speaking of the labourers upon your own estate? Yes; not my own only, but my farmers' labourers; the farmers' labourers pay rent for their cottages; my own do not; that is a slight advantage which I give them.

4812. You can give no evidence as to the state of the labourers off your estate? No.

4813. Do you know whether the gentlemen in the county of Hants are generally game preservers? Some of them preserve very highly.

4814. Are there any instances of gentlemen residing upon their estates who are not game preservers? I do not recollect an instance.

4815. Is it your impression, from living in the country, that no gentleman would live upon his property if he had not game? My own feeling is, that if I took no pleasure in field sports, I should pass a much greater part of my time in a town where I could more easily find society and books, and everything else that is required to interest and amuse me at home, than I do now; I think that few

would pass nine months in the year in the provinces unless they had some sporting pursuits and tastes; it is an entire matter of opinion, of course.

4816. Have you any actual experience as to what is the case in that county; whether gentlemen are solely induced to reside upon their properties from being able to preserve game? The gentlemen that I know in my neighbourhood, who are constant residents, Lord Normanton and Mr. Mills, both preserve game highly, and they pass the greatest part of the year upon their estates; I should say nine or ten months.

4817. But beyond your particular neighbours, and those two gentlemen, you have no knowledge? I should say, certainly, I have no doubt of it, that men who reside upon their own estates preserve game, and that those who preserve game reside on their estates.

4818. You are not aware of any other motive that will tempt a country gentleman to reside upon his property but that of field sports? I have no doubt there are other inducements; but I have stated before that I think that if it were not for field sports they would live much more in towns than they do, particularly those men who like literary pursuits, and are fond of society.

4821. Do the farmers complain very much of the preservation of game? I have heard so.

4822. Do you see in what way a farmer could be protected who holds his land in the neighbourhood of a game preserve, where his own landlord does not preserve himself, and can give him no compensation? Yes; if he took out a license he could kill all the game that came upon his farm, with the permission of his landlord.

4823. He must either occupy his own time in doing that or keep a man to do it? If there was game enough to do him harm it would pay him very well to take out a certificate, which costs £1, or to pay a man to kill the game that came into his farm. He would have nothing to do, if you speak of hares, which I conceive are the only things that can possibly do the farmer any harm, but to catch them in nooses as soon as they came upon his land.

4824. And rabbits? Rabbits do not go from one estate to another; but the hares would be caught from the nooses directly they cleared the first hedge.

4825. How would the farmer be indemnified: by being able to sell those hares? Certainly, if he took out a certificate. I will myself answer, if you gave me a field in the middle of an estate, or next to an estate well preserved, *to get very nearly as much out of that field as the man to whom the estate belonged.**

4826. He would have to pay £4 or £5 for a certificate? £4.

4827. And you would further recommend that he should have to pay another £1 for a certificate to sell? I never said anything about £4. I did not mention the price of the certificate: I should put a very slight duty upon it.

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* But, suppose the occupier wishes for corn, not game.

4828. In the case which has been mentioned, where a farmer holds under a landlord who is not a game preserver, but who is in the neighbourhood of one who is, you have distinguished hares from other game; but if that farm was in the neighbourhood of a wood, might not the rabbits come out upon the land and do him harm? If the field were next to the wood he might catch them easily.

4829. Then would there be any objection to putting hares upon the same footing that rabbits are at present, the farmer being able to catch rabbits now without a certificate? He cannot do so unless he agrees with his landlord that he may do so.

4830. But at present the occupier might do just what he pleased with his rabbits, without being liable to the revenue laws or the game laws? The occupier, I believe, unless there is a clause in his lease to the contrary, would have the right to kill rabbits.

4831. Would you think it objectionable to *put hares on the footing of rabbits now, as far as the law is concerned?* I have never considered the subject particularly. *I do not think it would signify the least one way or the other.*

4832. Do you know any instance, either in your own county or in any neighbouring county, of a person having given his tenant farmers the power of destroying hares; and have you ever heard what has been considered to be the result of that liberty being given to the tenants? The result, *as far as game preserving is concerned, would be fatal,* because in doing it they would trap a great many pheasants*, which, although they might act honestly and let out again, would be maimed, and they must do that by the hands of other people who could not be trusted. The tenants, as far as my people are concerned, prefer infinitely that I should, in the case of rabbits, destroy the rabbits for them in the spring of the year than do it themselves, as I do allow them if they please.

4833. The tenants consider that the rabbits do them so much harm, that they are glad if you will destroy them for them? Rather than do it themselves; because they lose a great deal of time, and they cannot do it so well as the keepers accustomed to the business.

4834. Judging by that feeling, have you any doubt that they would be very glad if you would do the same thing with the hares? I believe that they would rather pay me eight per cent. less than they would otherwise, and have the game upon the same footing that it is on now.†

4835. Is that from the idea that they are amply compensated by the reduction in the rent for any damage done by the hares, or why should they prefer you to destroy the hares? Because the drawback is greater than the damage done.

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* This points to the conclusion that there can be no modification of the system,—that it must be abandoned. No unprejudiced person, after going through this evidence, can resist that conclusion.

† Lord Hatherton told the Committee that in truth the game preserving landowner knows nothing whatever of the feelings of his tenants upon the subject of game.

4836. Is it your custom sometimes to rent the right of shooting over a manor? I rent a district in Scotland myself.

4837. Then the persons who let the right of shooting are persons who have estates? Yes.

4838. Then they are not tempted to reside upon their estates for the love of sport, but by the gain of letting their right of shooting? My landlord may be induced to let his shooting for two reasons: in the first place, he is paralytic and cannot shoot, and I have no doubt that he is very glad of the rent of £400 a year which I give him.

4839. So that it is quite possible for a gentleman to reside upon his estate, and not care for the shooting himself, or caring more to let it to some one else? It is perfectly possible for a paralytic man to reside upon his estate and not to shoot.

4840. But you do not confine it to a case of paralysis? I confine my answer entirely to what I know personally.

4941. Mr. *Bright.*] What is your opinion as to the propriety of the landowners making a change in their custom, and allowing farmers the unlimited power of sporting and killing game over the lands which they occupy; do you think that would be a desirable thing to do? I think the landlord would lose his amusement, and the chances are that the farmer would turn out a very idle fellow.

4945. You think that a propensity to sporting is not compatible with industrious habits? I think that it is the worst thing a man can do, unless he has some independence.

4946. That is, unless he has really nothing to do? Unless he has nothing to do.

4947. You consider that sporting is one of those amusements which men of property have recourse to prevent their suffering very much from what the French call *ennui?* I think that a young man in the prime of life would not spend nine months in the year in the country, unless he had some other amusements than those which the country naturally affords in the winter.

4948. Is it your opinion, then, that it is somewhat incompatible with the rank and station and occupations of a farmer, that he should be encouraged to indulge himself in sporting? I think that *a farmer in my county, where they have not much capital*, has quite enough to do to look after his business, without spending his time in shooting or hunting; when a farmer is very rich, *and has capital*, he may afford to do it without loss.

4949. Do you mean that farmers who have the power of destroying game, and who sport occasionally, are better or worse than their neighbours who have not that privilege? I have known instances of young farmers, who were very fond of shooting, and hunting, and coursing, having neglected so much their own business, that their fathers have complained of them.*

* This is not the point. It is not farmers who are fond of sporting, but farmers who desire to grow corn and keep stock in order to gain a livelihood, who complain of game.

Lord Malmesbury having stated the Hampshire labourers had long been well off, was questioned by Mr. Villiers as to the riots of 1830, and the state of the labourers in Hampshire, Dorsetshire, and Wiltshire, and drew from him the admission, that beyond his own estate he had no knowledge upon the matter. One of the causes why game preserving as well as many other burdens on landed property are maintained, is because landowners draw their experience from their own little narrow circle, and never get beyond the prejudices thus conceived.

4842. Have you had any riots in Hampshire within these 14 or 15 years? There were riots in the year 1830; but that was quite upon another question; that was upon the question of machinery; the labourers rose because they objected to the threshing machine, not on account of game.

4843. Was it in consequence of low wages? No; it was in consequence of their not being employed, and their attributing their non-employment to the threshing machines which were put up; there was that cry at the time.

4844. Do you know whether gentlemen preserved game before and in the year 1830, and consequently resided upon their properties? Quite as much as now.

4845. That did not prevent the riots, and it did not prevent the outcry against the use of machinery? I cannot say whether it prevented the riots or whether it caused them; but I know that upon my estate, and on the estates contiguous to mine, our men assisted to put down the riots with great energy, and that the ringleader, a man who was afterwards hung at Winchester, who had come from Kent, was taken very near my place by some of my own labourers.

4850. Do you happen to know whether there were riots in the neighbouring counties of Dorsetshire and Wiltshire? Yes, there were.

4851. Do you know whether those were occasioned by the people there themselves, or by a similar invasion to that which you had in Hampshire? I believe that the leaders came from other parts of the country; in fact, I know that they did; that was proved at the trials. I believe that in Dorsetshire the people in a certain district rose of themselves.

4852. Do you know anything about the preservation of game in those counties? I know very little about it.

4853. Do you know whether gentlemen reside upon their properties in those counties? *Very much: perhaps in Dorsetshire more than any where.**

* Now according to his Lordship's former evidence, "men who reside on their own estates preserve game, and that those who preserve game reside on their estates;" residence and preserving are therefore to be deemed controvertible terms; how then does it happen that the labourers of Dorsetshire, where preserves and residences are so general, are so badly off that their condition has become a national reproach?

4855. You do not happen to know what the rate of wages is either in Hampshire, or Dorsetshire, or Wiltshire? I can only speak of my own estate. The farmers are now giving about 9s., and I give from 9s. to 12s.; the farmers make those men pay 40s. a year for their cottages, and I give them their cottages rent free.

4856. But you know nothing about the condition of the poor beyond the labourers employed on your own estate? *No.*

4857. You cannot give the Committee any evidence as to the influence either of the residence of country gentlemen or the operation of the game laws off your own estate? No; I cannot give any information that would be worth putting down.

4858. So that the game laws might have a demoralizing effect in Hampshire and the neighbouring counties without your knowing it? I do not consider that the other neighbouring counties are demoralized; *I can answer for Dorsetshire.*

4859. But you cannot state whether the game laws have had a demoralizing effect or not there? *No.*

Here are his lordship's statistics of his own preserves, and some other particulars worth notice.

4882. Mr. *Villiers.*] Do you think that poaching has diminished lately? I think very much in my district, certainly.

4883. Would you ascribe that to the change of the law? Yes, and to its being well preserved.

4884. You think that where the game is strictly preserved there are fewer poachers, and there are fewer encounters with keepers?—Certainly. I conceive that the reason of encounters is because there are not keepers enough; *and I think gentlemen who preserve ought to make it a duty always to have a much stronger force than can possibly be sent against them.* If they do that, there is no great chance of a collision.

4885. Do those gangs of poachers you have spoken of live at all in your neighbourhood? At Christchurch and at Parley.

4886. Is that near your residence? One is four miles, and the other three.

4887. Are they numerous? No, I should say that the whole of the poachers may consist of some dozen men, who are all known perfectly well.

4888. They are habitual depredators of that kind? Of every kind.

4889. You stated that you kept 13 keepers? *More, I think.*

4890. Then do you infer that that gang in your immediate neighbourhood is owing to your not having more keepers? Those people I conceive get very little off my estate, if anything; they principally poach upon the outside, where the game is not preserved, but they can always pick up a little.

4891. Then your preservation of game does not protect any

4854. But there were riots in Dorsetshire owing to the lowness of wages? I do not know what they were owing to.

other property, or any other game but your own? It does not protect my neighbour's certainly.

4892. So that the rural police is as necessary notwithstanding your preserving game, as if you did not? No, it is not so necessary in the opinion apparently of the magistrates; because the whole of the force, which would otherwise be distributed over a parish of about five or six and twenty thousand acres, is now only distributed over a surface of about fifteen thousand, because they consider that my property does not require looking after so much, in consequence of my having men always about; therefore my neighbours are benefited by having more use of the policemen than if we shared alike.

4893. You think that the police ought to look after the game? If it is property, I do not see why it should not be guarded by them as well as any other.

4894. Then if they did what you think they might reasonably do, a greater police force in the county of Hants would be necessary? No, I would not increase the police force; but I think they have many opportunities of detecting poaching when it comes in their way, and that they ought to do that.

4895. If the gentry were to have their game better preserved, there must be an increased number of police? No, I do not think that.

4896. Taking the means for the end of preserving game, as you might take other means for preserving other property, must not the police be out in the woods watching for poachers, if they are to be employed for the purpose of preserving game? In an entirely rural district like mine, if they do their duty at all, they must be in the lanes and woods all night looking after sheep-stealers and other depredators; and they would only be in their regular work out at night, not to do more work or less than they do now.

4897. Do you think there would be any objection to employing the police for these purposes, owing to the different feeling with which the poor regard the laws for the protection of game and the laws for the protection of other property? I think not; because as soon as the poor can be made to understand (which I think they are rapidly beginning to do) that it is property, and not a privilege, they will respect it just as much as they would the property of the farmer in his fowls or his pigs.*

4905. Mr. *Etwall.*] With respect to the decrease of poaching, do you mean to ascribe that decrease to the whole of Hampshire, or only to your own particular locality? I beg to guard myself throughout my evidence as speaking only of my own district, and my own estate.

4906. Perhaps you are aware that there has been some increase in the committals for poaching in the gaol at Winchester? I am not aware of that.

4907. *Chairman.*] Great stress has been laid upon the residence

* But before that can happen, game must be made as domesticated as fowls or pigs.

of gentry upon their property; is there are any difference now in that respect from what there used to be? do gentlemen reside pretty much to the same extent now as they ever did before? Within my memory I think it is very much the same.

4908. You do not think they reside more now, and you do not think they reside less? I do not think they reside more or less; they are the same men; for I cannot recollect very far back.

4909. You have no doubt that formerly it was the custom to reside a very considerable portion of the year upon their property? I should suppose so.

4910. You are aware of what is called the "battue" system, which has been introduced of late years? Yes.

4911. Do you believe that that has had any influence in tempting people to reside upon their properties? It would not tempt me, because a battue does not amuse me in the least. I do not see the use of the difference between the battue and the old way of shooting. It is not so much a difference in a quantity of game upon the whole estate, but a man killing in two or three days what he spread over the whole season formerly.

4912. Is not a battue, or something of that kind, that people expect when they are invited to sport, or invited to come and shoot with their friends? Yes, I think many of them do.

4913. That is the way in which the sport is carried on by the gentry of this country now? Not by all, but by some.

4914. But it has become a sort of fashion to kill a vast quantity in a short time? In some instances, but not generally. There are more people living on their estates who distribute their sport over the whole season, than those who like to give it to their friends in a lump in two or three days.

4915. But the battue system is much more in vogue now than it used to be? Certainly.

4916. Mr. *Bright.*] Will you state how you let your land; is it on lease, or on yearly tenancy? I should have been very glad, when I came into my property four years ago, to let my land upon leases, because the agriculture of that part of that country might be improved, but I found it quite impossible to get any man to take it on a lease; it is not the custom of the county; and the notion is that they are more independent, although they have been there for some generations many of them, if they rent from year to year, than by taking a lease.

4917. They can get off more easily *if anything unpleasant happens?** I suppose so; it is the custom of the county, and it is not easy to get them to make any change.

4918. Is it the custom in the whole of the county of Hants to let the land upon yearly tenancy? Yes.

4975. What is your opinion with respect to the practice of game preserving in a country where the population increases so fast as it does here; has it never struck you, that as

* And wisely too, on game farms.

the population increases the system of preserving large quantities of game for sport may be found incompatible with the interests of the country, especially of the labouring classes? It has not come before me in that light yet; perhaps the county in which I live has not altered much in the course of my recollection.

4982. Mr. *G. Berkeley.*] The 8 per cent. which you have named includes compensation on your part which you conceived to be an amount which precluded all possible complaint? It does preclude it practically.

4983. In answer to a question from Mr. Villiers, you said you had heard that farmers have complained of the preservation of game; have you heard that through sources to which some suspicion might be attached? has there not been a great and systematic cry raised, and agitation adopted by gentlemen attached to the League, against the game laws? I have heard so.

4984. Does it appear as if that agitation was purposely got up to sow disunion between landlord and tenant? If an agitation of that nature was got up, it would very likely have that effect in some instances; but I think not where the landlord and tenants have known one another for some time.

4985. Are you aware that such agitation has been set on foot? Yes, I believe so.

4986. You have said, in answer to a question by Mr. Villiers, that putting hares on the footing of rabbits would not make much alteration either way; when you say that, do you mean at the same time to guard that answer as regards your former expression of opinion as to putting more guns into the hands of the lower classes? Yes, I think it would be a bad thing to put more guns into their hands.

4987. Do you think the taking away the certificate would, to some extent, have that effect? If you take away the certificate altogether it certainly would immensely.

4988. In answer to a question put by Mr. Villiers, you stated that the same men frequently came back again to poach; do you think it is possible that that might arise from the leniency of the punishment? I think that some of those offenders whom I have described in my own district, are not to be corrected by any means whatever. They have been vagabonds all their lives,* and will not live by any honest means. They will not do a day's work; yet they must live, and therefore they have recourse to the same practices when they come out of gaol as before.

4992. As regards the battue system, is it not the fact, that if the landed proprietor or his friends are of a certain advanced period of life, or if they have the gout, or anything of that sort, they can no longer take the pastime of shooting over rough and wild lands, and over fences and other things? Yes.

4993. Then, in such a case, battue shooting would be necessary to their sport? Yes, it would give them more sport.

* Mr. Pusey told the Committee, that in his neighbourhood such "vagabonds" had gone to work after he had ceased to preserve game.

4994. *Chairman.*] You have been asked by Mr. Berkeley whether you considered that the orators of the League, in their speeches against the corn laws had not tended to weaken the respect for game as property. Those orators who have been exercising this influence upon the minds of the people existed during the time when persons were less disposed to respect game as private property? What I meant to say was mere matter of opinion; that when game was a privilege, and not property, by law, it was considered odious, and it was not considered ungentlemanlike or immoral to infringe it. And from that state of the law the word "poaching" arose; but since it has become property it is no longer poaching, but the plain English of the business is stealing, since it is has been looked upon in the light of property, educated poachers, "gentleman poachers," as we used to call them, have totally ceased to exist, certainly in my district, because they would think it an unbecoming thing to steal, *when they would not think it unbecoming to infringe an odious privilege.* I believe that that feeling is extending gradually, and will further extend to the lower classes, as they become more educated, and capable of understanding such distinctions.

4995. Then it comes to this, that there is more respect for this description of property now that game is regarded as private property, than there used to be? I think so.

4996. Have you read the orations of those persons who are called the orators of the League? I cannot say that I have: I have heard of them, but I never read them.

4997. And you have, therefore, no accurate knowledge of them? My answer was, as I considered, to a particular proposition; I understood Mr. Berkeley to ask me whether the orators of the League propounded such and such doctrines, and whether they would have such and such an effect, and I answered that I thought they would, to my belief.

4998. Do you know anything about the matter? I have read your speeches.

4999. Without reference to any of the speeches of any member of the Committee, do you know anything about the characters referred to by Mr. Berkeley, called the orators of the League? I have not the honour of their acquaintance, and I have not read their speeches.

5000. You have been asked by Mr. Berkeley as to the effect of putting fire-arms into the hands of the lower orders. Are the poor who are charged with poaching generally taken with fire-arms? Sometimes, and sometimes not.

Here are some remarks on the array of game warfare.

4919. Have you written any agreement, or is it merely an understanding when you let a farm to a man? I have written agreements; but when I came to the estate a great many of them held their farms without any agreement whatever.

4920. Have you any clause in the agreement with respect to game? Yes.

4921. Will you state the nature of it? It is what I explained; that I reserve the right of shooting to myself, and let the farms so much less in consideration of reserving the right of the shooting; the average of that allowance is eight per cent.

4922. In reserving the right of shooting, what do you reserve; what have you, and what has the tenant, as respects the game? I have the whole of the game; the hares, rabbits, pheasants, and partridges.

4923. Does the tenant agree that he will preserve the game, or only that he will not destroy the game? There is no agreement that he is to preserve the game, but they always, I find, give information, and I have known them assist the keepers in various ways.

4924. Have you never had a complaint from any of your tenants, that his farm was less profitable, or that there were certain things which he could not afford to do, because of the damage by game? Not after having taken the farm. When they come to make a bargain with you, they naturally talk a great deal about game; but they all accepted the terms I have stated, and since that I have not heard a word said about it.

4925. What is the highest per centage which you have allowed on account of game? you say that eight per cent. is the average? Ten per cent. is the highest.

4926. What is the lowest? About six.

4927. When a farmer comes to take a farm, he of course endeavours to form some idea what is meant by its being a game farm, as to the quantity of game that will be preserved upon it; does he obtain from you any kind of understanding that the game which he now sees is about the average quantity which will be preserved? From there having been a shooting journal kept for forty years they see the average exactly that has been killed on each farm, and what every farm ought to produce. Many of the tenants have been there for two or three generations, and they inquire of them.

4928. Then is it not competent for you, after a tenant has taken his farm, greatly to increase the quantity of game upon it; and has he then any remedy except quitting the farm, if he finds it necessary to do so? *I do not think I could increase the quantity much.*

4929. You think that your land is preserved to as great an extent as is possible? *Yes, I think so.**

5004. Do the keepers go out with fire-arms? Mine do not.

5005. Do you believe that poaching would be prevented by any

* I do not much wonder that his lordship's tenants are not first-rate farmers. No farmer of any capital would go upon an estate on which it is doubtful whether the game *can* be increased. If not "insane or insolvent," as one of the former witnesses said a man must be to rent a game farm, on entering, he would be very likely to become so.

different mode of proceeding by the keepers from the mode in which they proceed now? They proceed according to law; and unless you alter the law, their proceedings cannot be changed.

5006. Have you ever heard of any proceeding recommended in a pamphlet by a member of this Committee, that a keeper meeting with a poacher should strike him before he challenged him, and should always commence his operations by a punch on the head? Yes, I have read that pamphlet.

5007. Do you agree with the author of that pamphlet? and are those the directions you give to your keepers? No, I have given them no directions.

5008. Do you consider that that would be a most un-English way of proceeding? I should not think it fair to knock the man first.

5009. You do not think that it would lead to any good results? Unless you thought that he threatened your life, and then I should be the first to strike of course.

5010. Mr. *Etwall.*] Do you consider the pamphlet just alluded to a clever work, and well worthy of an English sportsman? I think it is full of truth. There are a great many good suggestions in that pamphlet.

Earl Fitzhardinge's evidence most fully corroborated that of former witnesses, as to the absolute necessity of protecting game by a strong force, if it is to be preserved at all, and proved unconsciously that no special law is required to protect game on a man's own land. His lordship was examined in March, 1846.

2848. Mr. *G. Berkeley.*] Do you preserve game strictly? Yes; as far as my preservation of game is concerned; I do not allow, if I can help it, persons to come upon my land and take game that is bred and fed there by me; according to that definition, I do preserve game strictly.

2849. Is there more poaching, and more crime of all sorts, and consequently greater demoralization, on and over lands where there is little or no preservation of game, and little game, such only as is indigenous to the soil, than there is on manors where there is more game well protected? I should say, unquestionably, from my own experience, that there is infinitely less poaching, and I think less crime generally of any sort, but I will not speak positively to that; *but I am certain, less poaching where game is preserved.*

2850. Do you think that gamekeepers afford protection to all rural property as well as game? They ought, if they receive proper instructions from their masters.

2851. What instructions do you give gamekeepers? I give my gamekeepers instructions to endeavour, to the best of their power, to protect all property.

2852. Do you think that the crime of poaching arises from distress? As far as my own experience goes, certainly not; I will venture to say that there never was one case, within my knowledge, which did arise from that.

2853. What is usually the class in life of the common poachers? They are generally labourers or manufacturers; more, I think, manufacturers than agricultural labourers. Some years ago there was a gang which came a great deal on Lord Ducie's land, and *murdered a keeper*; those men were small farmers, some of them even large farmers, but there were none of those persons who had not the means of gaining an honest livelihood if they had chosen to exercise it; they were all labourers in good work, some of them small farmers, but they were all persons of rather loose character.

2868. It has been stated to this Committee that the "tenant feeds the landlord's game;" do you purchase artificial food for your game? Yes.

2869. What has been the cost of barley which you have purchased for your game in any one year? I paid last year between £900 and £1,000 for barley; this year I suppose I shall have to pay more, because it was a better breed this year than in the preceding one; and last year there were a great many acorns, which assisted us, and this year there are none, therefore I think the sum will be rather larger.

2870. When a tenant takes a farm of yours, does he take it with a thorough knowledge that you will reserve each sporting right of every description? Yes.

2875. Are you aware that game is now made private property by the law? I am.

2876. Are you aware that it is the only article of property that is not generally considered as under the peculiar care of the police? It is considered as not being under the peculiar care of the police, but if the police do their duty, I consider that the policeman is bound to take notice of any infraction of any one law as much as of any other; he has no option; he is bound to take notice of any offence coming within his knowledge.

2877. Do you think that game ought to be as much under their care as any other sort of private property? Undoubtedly; and I consider that the police of our county have general instructions to assist in maintaining the law wherever they have opportunities of doing so. It is the business of a policeman to report anything that he observes to the superintendent of the district; in our county, police unquestionably are ordered; they do so, and I believe that they act upon the orders to report any offence that they may hear of being committed to the superintendent of the district.

2878. Do you think game less protected than any other property? I think it is; I do not think the enactments for the preservation of game are so severe as those for the preservation of other property.

2880. Do you think that it would put more guns into the hands of the lower classes? It would have that effect.

2881. And tend to increase the chances of fatal conflicts? I think probably it would; I am not so certain upon that point.

2882. Would the taking away the game protection from hares increase the number of depredators by night? No doubt it would.

2883. Are you aware that in many cases where fatal conflicts have arisen between poachers and keepers, the former have met at beer-shops or low public-houses, whence they have gone forth flushed with liquor? That has been frequently the case; that I know from my own knowledge.

2884. Have you known anything of any transactions between your tenants and the game dealers? Never; I never heard that of any tenant of mine, nor had I ever any occasion to suspect that tenants of mine did so.

2885. Do you know of game dealers at Cheltenham having made application to your tenants to supply them with game? No; I remember the foreman of a game dealer being taken into custody on a charge of felony, and on being searched they found a letter from his mother or his aunt, I forget which, who resided on my estate; the letter was to the effect, that she was sorry that she could not supply him with the game that he had wished, because the keepers were maintaining a strict look-out; that man was not a game dealer himself, but he was the foreman of a game dealer; it was on the charge of felony that this was discovered.

2890. Have you had any applications made by tenants, on their death-bed, that the farm might be prolonged in the family? One.

2891. What was that? It was a woman of the name of Adams; her husband had rented the farm for some years, and on his death she rented it, and she died about three years ago; she was very ill, and thought she was dying, and sent for my steward (and a very flattering message it was, as far as my own feelings were concerned), and she begged that her family might be permitted to remain in the farm that they had held so long. I remember perfectly, part of the message was, *that she relied a good deal upon the good feeling we had always had upon the preservation of game*;* she said, that I had been a very kind landlord to the family, and she hoped that she had done everything, and that her husband had always done everything to preserve the game.

2892 There has been, before this Committee, great stress laid upon the hardship to the tenant farmer, and the extent of the demoralization of the poor, consequent upon the system of "battue;" are your shooting days what may be termed "battues?" They are.

2893. Do you beat your woods with men? I do.

2894. Are those men regularly employed to beat for game throughout the winter? They are; the same men are always en-

* There is no doubt that this feudal-remnant game has much to do with maintaining that kind of patron and client relation between landlord and tenant which is operating so injuriously on the agriculture of the country. No educated man would submit to occupy a game-ridden farm; and until such men farm for profit, the productive powers of the soil will not be fully developed.

gaged for that purpose; I select men as being men of good character: if I found that any man had a character for drunkenness I should discharge him from being a keeper; there are about 11 of them.

2895. Do you find that giving them that employment in any way tends to demoralize their characters or make them poachers? Certainly not; of course I would not allow a man of bad character to remain an under-keeper, because it furnishes them with what is a very useful addition to their means of subsistence in the winter, particularly in a bad winter.

2896. Do you draw covers with your hounds for a fox the day previous to your holding a battue in your covers? Certainly, two or three days before; I prefer drawing with the hounds first.*

2897. If the cover is small, and the fox does not go out quickly, does not that drive out the game? Yes.

2898. The day you shoot in the cover, do the keepers drive the game in again? Yes, they go and beat the hedges.

2899. Is this the fact as regards the battue system, that you do not only yourself maintain, feed, and watch a large head of game upon a particular spot, but you drive a whole district, over which the game is spread, to a particular spot, where you and your friends more readily reach it? *The game is not very much spread away from the cover in which you have the battue.* If you mean to have good shooting in what is termed the battue, you must feed the game yourself, because the game will not remain there unless you feed it; and you must go to a considerable expense to feed it in the cover, in order to induce the game to remain there.

2900. Does the fact of your keeping the cover well filled with food for the game draw off the game from the tenant farmer's lands? No doubt it does; if you keep plenty of food in the cover, the game will not go upon the tenants' farms.

2901. Will the hares feed upon the stacks as well as the pheasants? Yes; I have myself seen 10 or 12 hares round a farmer's stacks.

2902. Then to lessen the quantity of game, and to kill it for the surrounding district, the battue system is infinitely a better way than to potter after game thinly spread over a wide extent, whereby you would not be able to kill half so much? *You have more shooting, and better shooting, by inclosing your game in one spot,* than if you had to lose your time in looking after it; and there is another thing, that elderly gentlemen like myself, who have had the gout, cannot get over hedges and ditches as they did formerly.

2903. Then if the battue system was not followed, the sports of the field would be out of the question in many cases? It would be completely out of the question in my case. I should be debarred from having an amusement of that kind; I cannot get over

* His Lordship unites the somewhat inconsistent practices of keeping fox-hounds and game preserving.

hedges and ditches as I did 25 years ago, and I believe that is the case with a great many others of my own age.

2904. It has been said, "that a little game, enough for sport, is all that the aristocracy, or the gentleman should keep; and that it is the sport of looking for what you want, not the finding it, that gives the pleasure." Now, when you give a day's shooting to a man of the middle classes, or a day's coursing, do you find that he is as well pleased if you give him a long walk or a long ride, after a scanty show of game, as he is if you admit him at once into the thick of it? To answer the first part of the question first, I do not understand what right any man can have to say what quantity a landlord, if he is allowed to preserve game at all, shall preserve upon his own land, or why it should not be in his own power to say what the quantity shall be; so much will depend upon the quality of the land, so much upon the accidental circumstances of the season, and so on, that I do not understand how such a statement can be made.

2905. Then the Committee are distinctly to understand, that there has been a blame attached to the battue system, which is in fact nonsense, and that you, from your knowledge of it, and experience, consider that there is in fact nothing injurious in the system whatever? With respect to the battue system, I can only speak to it upon my own estate; but I can say most confidently, that, in the first place, to have battues, you must have the game fed very highly; that is paid for by the landlord; and if you do feed game very highly, you will not have the game feeding upon upon the tenants' land *so much as if you abstained from feeding them so highly*. In the second place, you know what the greatest quantity of game is upon the estate, and your attention, therefore, is necessarily drawn to it. I can only say, from my knowledge, and I speak from the experience of 36 years, that we have less poaching where there is a great deal of game, than *where there is less*.

All this shows that it is not a question of less or more game, but whether there shall be a large head of game, or none. Lord Fitzhardinge, though a rigid preserver, is a man of strong sense, and from the tenor of his evidence must be fully aware of the validity of the objections made to game preserves. He carefully confined his evidence to his own property, and put his defence of the system upon his right to manage his own estate as he pleased, but he distinctly said that poaching must be prevented by vigilance. The "less poaching where there is a great deal of game than *where there is less*," implies that where there is the "less game" there must be some, though inefficient measures, for the preservation adopted, otherwise, as all agreed,

there would be no game. His lordship on another day was again examined; and taking his evidence altogether, it is the most plausible apology,—I cannot put it higher,—for the system that was offered to the Committee. On that account, no less than from its practical character, I have largely extracted from it.

3447. Mr. *Bright.*] Have you not found that many gentlemen and noblemen give to that sport the chief part of their time? No, not in my experience.

3448. Do not gentlemen of large fortune devote a great establishment and a large portion of their time to that amusement? All establishments for hunting and shooting are expensive; those for hunting are kept up by subscription; there are a few persons (I am one of the number, the Duke of Beaufort is another, and there are four or five others) that supply hounds at their own expense, but the generality of the packs of hounds are kept by subscription. There is a very strong feeling in all counties in favour of supplying fox hounds, and they are supplied by a liberal subscription by the gentlemen resident in the county; but I do not think that any gentleman makes sporting the primary object of his life. I think all that have come within my knowledge devote a good deal of time to agricultural pursuits, to the business connected with the magistracy, and pursuits which become a country gentleman. I know of no instance in the county of Gloucester, or anywhere else, where the love of sporting, or any other, has interfered with public business, or the duties of a gentleman as a magistrate, or whatever situation he may be in.

3449. Is it your opinion, that if there was a cessation of game preserving; if the system which is now pursued were to a large extent, or entirely given up, it would very much interfere with the residence of country gentlemen upon their estates? I think it would, *to a certain extent.*

3450. To a large extent? I think it would. I will tell you what I think would be the exact tendency of it. Unquestionably those gentlemen who have considerable property in the country, would, partly as magistrates and partly for their own interest, reside upon their estates; but I do not think that they would reside so long a time, or that the same hospitality would be exercised, or that the same circulation of money would take place in the counties in which they reside, and about their residences, as is the case now. I think the poor would feel the loss of the resident gentry. Those of course who are more devoted to agricultural pursuits, it would not make much difference with; but there are a great many whose time is not occupied entirely by agricultural pursuits, whose time may be divided between amusement and the business of the county in which they reside, and I have no doubt that it would, to a very considerable extent, interfere with their permanent residence in the country. I should think, probably, instead of residing six months in

the country, their residence might be reduced to two or three months. I am quite certain that the same amount of money would not be expended, that they would not have the same number of persons asked to their houses, and that there would not be the same hospitality exercised.

3451. The persons asked to their houses are persons in the same rank of life? Yes, and that brings their servants and the persons attached to them; and it brings money into circulation in the neighbourhood in which they reside.

3452. Does it not occur to you, that if you bring a large number of noblemen and gentlemen to Berkeley Castle, and that they *spend money in that district, you take all that from some other part of the country, that in point of fact the gain is balanced by the loss, and that in reality the country gains nothing by it?* There is no question that you cannot have ubiquity of money, any more than ubiquity of persons: a man cannot spend his money in London and in the country at the same time, any more than he can be at both places at the same time.

3453. From your answers, I take it that you suppose there is a great deal of good done to the poor by the employment of a large number of persons as keepers and assistants, and watchers in a variety of ways necessary for keeping game? In a variety of ways; not only as gamekeepers and watchers, but by the money that is circulated generally, and the different occasions which arise, *from the landlord being thrown among the poorer class, for acts of charity which he is led*, from his knowledge and observation, to do, and which, in my opinion, would not take place in his absence.

3454. I will take your own estate at Berkeley Castle, which consists, I understand, of some 30,000 acres or more: has it ever struck you, that the keeping up of so large a head of game as you are in the habit of doing, and making the preservation of game of such paramount importance, has had an injurious effect upon the cultivation of that estate? Certainly not, as far as my own observation goes. I can only answer that question in this way: first of all, I deny that I make the preservation of game a matter of paramount importance. I admit that I do preserve game, and that I am attached to sporting; but I have a good deal of public business as well as private business. The business of my own estate takes up a good deal of time, that is private business; and there is the business as a Peer of Parliament, and a good deal of business, which, of course, goes through my brothers, who are in the House of Commons, and which, when it comes into the House of Lords, is attended to by me. Then as *custos rotulorum*, and lord-lieutenant of the county, and colonel of the militia, I have a good deal of business; and *I deny that I make sporting a paramount object.* I admit that I do sport: and that occasionally, when it does not interfere with business, I enjoy the facilities I have of sporting; but I never in my life allowed it to interfere with the performance of public or private business.

3455. You stated in your evidence that a woman of the name of

Adams, who was on her death-bed, sent for your steward, with a very flattering message as far as your own feelings were concerned, and she begged that her family might be permitted to remain on the farm that they had held so long; that you remember perfectly part of the message was, that she had relied a good deal upon the "*good feeling we had always had upon the subject of the preservation of game.*" I do not mean to say that it is a paramount object, but it is an object upon which you place considerable importance? I place considerable importance upon it as a means of amusement. Every man has recreation of some kind, and I admit that the recreation which I take in the country is chiefly the recreation of sporting.

3456. For the purpose of preserving your land in a condition to gratify the love of sporting, have you not covers here and there throughout the estate to a large extent, and large fences and hedge-rows, timber and brush-wood, and so forth, for the purpose of finding shelter for the game? Nothing but in covers. I never in any way interfere with the agriculture, or make suggestions to the tenant with regard to the hedge-rows upon the land in his occupation. The timber is very fine in the hedge-rows and the covers that I maintain. As I said in my evidence before, the battue system, which has been complained of, and which has been either very much misrepresented or misunderstood, I cannot say which, instead of leading to the destruction of agricultural produce, is a system which, beyond all others, protects it, because you feed at your own expense and in your own covers. With regard to the hedges, or anything that is in the occupation of the tenant, he uses his own discretion; he cuts the hedges when he pleases, and lays the hedge, in fact, too. I always find find fault with them for not laying the hedge. So little do I interfere with the tenants as regards the hedges, or wish the hedges to be kept, that it is the rule in our county, on my estate and probably on others, the tenant has the right of lopping the pollard timber, and he is never allowed to lop the pollard unless he throws the ditch and lays the hedge. In fact, I very often remonstrate with my tenants for not throwing the ditch and laying the hedge.

3457. Are your tenants yearly tenants, or on lease? Tenants from year to year.

3458. Have they any written agreement? Yes.

3459. Does that agreement say anything about the game? Yes.

3460. Will you be good enough to inform the Committee what is the covenant in the lease with respect to game? I can only speak generally; of course I cannot pledge myself accurately to the words, but it is to the effect that the landlord shall have the right of entry whenever he chooses to pursue game upon it, and no person without his sanction shall be allowed to come there; he reserves to himself the right of coming and sporting upon it, I think; but it is perfectly understood; I never knew a tenant hesitate upon it. I think there is a provision in the agreement, that no person is to be allowed to sport over it without the consent of the landlord. I

think, on second thought, that that is merely understood, and that it is not inserted in the agreement, but I am not positive as to that.

3461. Has it ever occurred to you, that by granting leases to your tenants, the Berkeley estate might be made much more productive than it is at present? I do not think it could as regards the dairy farms; *dairy farms require a very small capital, they are entirely managed by the farmer and by his family, if he has any; in fact a dairy farm is chiefly managed by a woman*; no dairy can be well regulated, nor was there ever that I know of, an instance of a dairy being well conducted, in which the man's sister, or wife, or mother, was not at the head of the concern. *They keep but few servants, and they require but little capital.** Mine is chiefly grass land in the parish of Berkeley, almost exclusively; in the other parishes not so much so; but I never had an application for a lease; I have often thought over the subject, and I do not think the dairy farmer would derive much benefit from a lease.

3463. On the subject of game, have you ever had any complaint from any of your tenants? Never a serious one in my life; and I never knew a tenant who was not most anxious to give information upon the subject of anything like poaching on his farm. I have known tenants, in the absence of the keeper, get up at night. I knew a remarkable instance, in my father's time, of a tenant, whose son and grandson are now tenants of mine, getting up himself in the most courageous manner, and encountering two poachers with guns. He was most dreadfully beaten about the head: and he succeeded in taking one and bringing him to Berkeley Castle. I was a child then, and I recollect the circumstance perfectly. The tenant was a man of considerable property, besides being a tenant of mine; he has devised to his son property to the amount of £100 or £500 a year in land; that son and his grandson are both tenants on the estate, and have been for many years. I have never in my life had a serious complaint with reference to game; *the increase of pheasants I have sometimes heard a tenant complain of, and say, "I wish you would send a coursing party, for I think you will find the hares are increasing too much;"* † and I have always done so on representation.

3465. You have stated that you were in the habit of spending from £900 to £1000 a year in barley for the game: between what periods of the year was that? We generally put the barley stacks into the cover about the middle of September; you cannot buy it until it is ripe, of course; and I know that a number of my farmers look to it with a great deal of satisfaction, because some of them pay nearly, if not the whole, of their rent in barley.

3466. How long does the barley that you purchase serve for the

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* This is altogether a mistake. There is scarcely any department of husbandry in England more capable of improvement than dairy farming.

† How full of meaning is this humble petition to those who know aught of game preserving landlords, and game-oppressed tenants!

supply of the game? That must depend upon the severity of the season; if it is a frosty season, they will of course require more food; they cannot pick up the insects and other natural food, and they have little or no corn to go to in the parish of Berkeley; and in severe seasons, the expense of course is infinitely greater than in mild seasons. The barley crop ought to last them till about this time, when they begin to stroll about and feed upon insects; *in fact, I do not know what they feed upon; they cannot feed upon corn, because there is no corn;* we supply them with food till the end of this month; in fact it is for six months that we supply them, and there is six months cessation.

3467. And during the other six months they feed upon the land? Yes.

3468. Have any of your farmers a right to shoot? No; *I allow them to course occasionally:* I never refused a farmer game, and I never refused a labourer a head of game who asked for it, in my life.

3521. Mr. *Cripps.*] Do you think that if the present game laws were entirely abolished, it would put an end to poaching? Certainly not.

3522. Do not you think, that to put an end to poaching you must absolutely carry on a crusade against game, and destroy them as vermin? Precisely; you must destroy the game entirely, or give it some protection; there is no medium between the two.

3523. There is a sufficient quantity of game in almost all countries, indigenous to the soil, to encourage poaching to a considerable extent? I think there is; in dry soils more than in wet.

3524. Have you ever any complaints from the tenants of the number of partridges or pheasants? Never; I never had one made to me. I never had a serious complaint made of the number of pheasants, hares, or partridges; I have of rabbits.

3525. Do you think the season of the year at which gentlemen now reside on their estates, on account of the sporting, is a time of year at which they would be peculiarly unlikely to reside there supposing there were no sporting? Certainly; I should think they would prefer residing in cities and in towns.

3532. Mr. *Etwall.*] Your Lordship has stated that you feed your game very largely. Supposing you did not feed your game, would it not be injurious to the tenants there? It would be injurious to the tenants, supposing that I had a great deal of arable land; but I do not think that the game would exist unless I fed it out.

3533. With your experience as a sportsman, riding over so much country as you do fox-hunting, do not you see large quantities of game existing in covers where they are not fed? No, never in my life; and I will venture to say that any man who knows anything about shooting, if he is asked to shoot with the neighbouring gentlemen in a battue, the first question he would ask would be, Does the man I am going to shoot with feed them? does he go to much expense about feeding? because if he does not he will have no sport. I hunt over a large tract of country; of course a great many

of the covers do not belong to me; but I never in my life saw any great quantity of game where the game was not fed by the proprietors, and fed highly.

3534. In some of the covers, where there are plenty of foxes, are there a great many rabbits? Sometimes there are.

3535. In some covers, where there are many pheasants, are there a great many rabbits and hares? *Rabbits, of course, do not require feeding, nor do hares; but I never saw a great number of hares in any place, unless it was well preserved by the owner.*

3536. But you have seen covers where the underwood has been greatly damaged by rabbits? Yes. I dislike a rabbit; they are most destructive animals.

3537. You kill them down? Yes, certainly; they are more destructive to the landlord than to the tenant, because in no instance are the woods ever let to the tenants: they are always kept in the landlord's own hands, and if you suffer them to get to a head, the damage done to underwood by the rabbits is amazing. *They are so prolific that you cannot control them.**

3538. Do you consider that you are a competent judge of the damage done by game, and of the drawback which game is to good cultivation on an arable farm? I have been 36 years in possession of my own estate. I live upon my own estate, and I endeavour to use my eyes, and I derive everything I can from the experience which I have enjoyed, and I think I am a pretty good judge.

3539. No one certainly is a better judge than your lordship upon your own property; but the question refers to other parts of England, to parts where the game is preserved, not to a very enormous extent, but still where a great head of game exists, and where it is not fed? What I mean generally to say is, that without preservation, and without feeding on the part of the landlord, I never saw a great quantity of game, either in my own neighbourhood, or over the Cotswold Hills. I know there is a certain degree of preservation on the Cotswold Hills, but I never saw much game there.

3540. In many parts there exist hares, and rabbits, and partridges, and a certain quantity of pheasants, but without much feeding, and in some instances none; do not you think that in those cases the hares and rabbits would not only do damage, but also be a drawback to high cultivation? If they are in such numbers that I never have seen, I cannot tell what the consequence may be, but I have never seen them in such quantities as to do any serious damage to cultivation. There is no doubt that all animated life must live upon the produce raised by the industry of man: take a flock of rooks, and see whether they will not do as much damage as a quantity of pheasants; and look at a quantity of larks

* This is what Mr. Pusey said; yet the Marquis of Salisbury told the Committee that rabbits were his keepers' perquisites, and that such is the usual practice. Is that likely to keep them down?

and sparrows. All animated nature feeds upon the produce of the industry of man.*

3541. If any one of your tenants represents to you that there is a large head of hares getting up, you have them killed? I always have some coursing parties. The farmers in my neighbourhood are very fond of coursing; I take them over the estate, and they get where there are most hares; the coursers, of course, like to go where there is most game.

His lordship thought farmers generally are not opposed to the game laws, and founded his opinion on that of some large farmers in the Cotswold Hills, and who partly farm their own land. The following is the results in slaughter of his lordship's preservation:

3473. Can you tell the Committee what quantity of game is killed upon your estate in a year? I can give a tolerable guess; but not without reference; so much depends upon the season. I should say that in the course of a year I might have probably killed nearly 1000 pheasants. I have known it to come to 1200, and sometimes 700 or 800 hares.

3474. How many rabbits? Rabbits I destroy as many as I can.

3475. And partridges? Of partridges I have none, on account of its being grass land. I do not kill 20 brace of partridges in a year.

3476. Does that include the whole extent of your property in Gloucestershire? The whole; every acre I have.

3477. If you kill only 700 or 800 hares in a year, there must be a great quantity left, or else there is a small quantity of hares on it? I will tell you why that is. The parish of Berkeley is all grass land, and it is situated near the Severn; it is low land. Hares and sheep are particularly subject to a disease called the rot, an infection of the liver; chronic hepatitis it would be in man; a wet season will sweep off every hare nearly upon the grass land; there were not above 10 brace left.

3478. Therefore they do not come down to the low land, but they remain in the high land? No, I have not much property in the Cotswold Hills; I have some, but the chief part of my estate lies entirely in the parish of Berkeley; I have a little property in the Cotswold Hills, but it is not much.

3479. You stated in your evidence that you did not consider the game laws severe, and that you thought that poaching might be put down by more stringent laws for game dealers. Are you prepared to give the Committee any opinion as to the enactments which you think desirable for the game dealers? There is a bill before the House of Lords, brought in by Lord Dacre, in which I think there are some very good suggestions with regard to the restrictions upon

* But the larger animals, such as game, in a natural state of things become extinct as man's industry advances.

the purchase of game, but of course I cannot at this moment pledge myself; it would require a good deal of consideration as to what change should be made, and, therefore, I could not at this moment state what change I would make, but I go with Lord Dacre to a very great extent; I am sure that the sale of game has afforded great facilities for the sale of game illegally obtained; I told Lord Dacre so, and the Marquis of Salisbury, when they recommended the sale of game; I told them that it would open great facilities to the sale of game illegally obtained; and so it has.

3480. Then the alterations which have suggested themselves to you have been rather with reference to the sale of game than to any punishment to be inflicted upon poachers? Yes; I think still that you should have a certain qualification for the killing and the sale of game, and I am of opinion that the doing away entirely with the qualification to kill game is a bad measure.

3481. Mr. *Bright.*] Then you would wish another qualification besides that of the £4 certificate? That is no qualification, that is merely a tax. I am certain of another thing, that the present change in the game laws, and taking away the necessity of any qualification beyond that of a certificate, has had the very reverse effect that it was intended to have. I am certain that the present game law is infinitely more aristocratical. That is, by throwing the power of preserving game entirely into the hands of persons of large property; *because the facility given to poaching is so great*, that a gentleman farmer, or a man that has a manor, *if he cannot afford to have one or two gamekeepers, has no chance of keeping game.*

3482. How had he the power of keeping game before? *Because unqualified persons could not be in possession of game without being obliged to account for it.* I think, by the 9th of Anne, an unqualified person was obliged to account for the game in his possession.

3483. And detection of poaching was more easy? No doubt: you might lay an information against a man for having game in his possession, and *he was obliged to show that he had received it from a qualified person.*

3484. Would you add, as one of your recommendations, that parliament should re-enact the ancient qualification, that no person should shoot who was not possessed of £100 a year in landed property? That depends upon what the object of parliament is. *If the object of parliament is to destroy game, then I say let there be no qualification for having game in your possession.* If, on the other hand, the object of parliament is to preserve game, then I say let there be a qualification of some kind. It depends entirely upon what the legislature means: if they legislate to put down poaching, that is the way to do it; if they legislate to encourage poaching, let there be no qualification.

3485. You say if the object of the legislature is to encourage the preservation of game, let there be a qualification; and if it is to discourage the preservation of game, let there be no qualification? Precisely that. I am quite certain, and it is the opinion of a great many tenant farmers who sport, that the taking away the qualifi-

cation has done more to encourage poaching than almost anything.

3486. Do you think it possible for Parliament, at this time, to reserve to gentlemen possessing £100 a year in landed property the right of killing a head of game upon any occasion when it may come before them? Does it appear to you rational and possible? I should say to do that, "*facilis descensus averni*;" but the going back and retracing our steps is almost an impossibility. Parliament has done many things that probably may not stand the test of time; but you have done them, and to retrace your steps, "*revocare gradus hic labor est.*" You are to recollect that parliament is very much influenced by agitation, by anything which has a sort of clap-trap, a sort of outcry with it.* Members of the House of Commons are necessarily influenced by popular feeling, by any clap-trap that may be got up; and there would be great difficulty in retracing this as well as many other enactments, the policy or the prudence of which may still be doubted.

3487. But you were understood to say that this alteration, which is one that you believe is injurious, originated with Lord Dacre and the Marquis of Salisbury, who are not members of the House of Commons, and not subject to influence from popular outcry? They were both members of the House of Commons at that time. I do not think they were influenced by that. I think they were mistaken in what they did.

3488. Are the Committee to understand that you are not prepared to recommend that the legislature should retrace its steps and re-enact the old qualification, or anything tantamount to it? I will not pledge myself to that. If the subject is brought under consideration it will be my duty in the House of Lords to give my best attention to what may be proposed; but out of the House of Peers I should certainly decline to give any pledge upon the subject.

3489. The Committee have asked, from other witnesses who have come before them, their opinions, and as you have had large experience, you must have the means of forming an opinion upon this matter? I will give my opinion; but it is a question fraught with so much difficulty that I doubt the possibility of carrying it in the present House of Commons. I am of opinion, that to re-enact some kind of qualification for the possession of game would do a great deal to put down poaching; but I am aware that there would be a great difficulty, and almost impossibility, constituted as the present House of Commons is, to do it; *but I am of opinion that the House of Commons do not want to put down poaching, but that they rather encourage it.*

3490. Then is it your opinion that public sentiment is running rather against exclusive enactments for the preservation of game?

* The reader will see what the farmers, the food-growers of the community, say to such claptrap.

Public sentiment, if left alone, is not. But you should recollect that there have been a number of itinerant orators in England, who have taken it up, and they have represented the aristocracy and landlords as such a selfish class, that they wish to keep the amusement entirely to themselves, to the demoralization of the lower classes; and that, as everybody knows perfectly well, has raised a strong feeling now upon the subject. If you look at the speeches made by those who have attended those meetings, you will see that when they have exhausted themselves in railing at the landlords, and representing them as a selfish class on account of the maintenance of the corn laws, they generally bring in the game laws in aid; that has been almost always connected with the other topic. Look at almost every meeting where the question of the corn laws has been agitated, the game laws have been brought in, and game preserves have been held up as obnoxious to the public; and if not in words, the spirit of the speeches has been, that the poacher was a man entitled to sympathy, and that any man who put the law in force against him was to blame. *That is the spirit of a great part of the periodical press.**

3491. Have you read those speeches of itinerant orators at the anti-corn-law meetings with sufficient care to enable you to speak so positively about that? I will give you the last instance I know of, a meeting that took place in the city of Bristol, at the very last meeting that took place upon the corn laws. Lord Ducie was in the chair; Mr. Cobden I know was there; and after the discussion of the corn laws, a dissenter got up and entered into a long tirade (I can have no interest in misrepresenting him, because he is a warm supporter of my brother, Mr. Henry Berkeley); but he got up, and he entered into a long tirade against the game laws, though the object of the meeting was to consider the corn laws. All those things have produced a great effect, and I believe it is in consequence of this that persons have inflamed the lower classes.

3492. Has it never struck you that there is a little inconsistency in a class of men,—*in your class, for instance, the landed proprietors, prohibiting the importation of food, and at the same time maintaining a large quantity of game which, however innocent a recreation, must be looked upon with objection by the poor, who think that the prohibition of food is injurious to them*, this game consuming some portion of the food grown in this island? I have never given any opinion upon the subject of the corn laws.

3493. Does not it appear natural that such a subject might be brought into a discussion of the corn laws without any great irrelevancy? I should question the strict justice, and deny that they are necessarily connected the one with the other; but when a man wishes to advocate a cause, he brings in all that he thinks of,

* It is rather surprising that so shrewd a man as Earl Fitzhardinge should not have observed, that the game law question must have some foundation in wrong, or it would not attract such general attention.

—everything that can be brought to increase the popularity of the question he argues.*

3496. Is it your opinion that it is the practice of landed proprietors to let their lands lower on account of game? *I think not*; I do not; my land is let quite as high as my neighbours'; and more than that, where I have the greatest number of hares, which is in the parish of Slimbridge, I have a higher rent; that land averages about 48s. or 50s. an acre, and the other is about £2. Where there is the greatest quantity of hares, it lets for 48s. or 50s., and in some instances 55s., and in the parish of Berkeley the average is only about £2.

3497. Is not the parish of Slimbridge nearer the water? No, they both adjoin the Severn; the whole of my estate is bounded by the Severn.

3498. Would you have the Committee infer from that, that the keeping of a good many hares is one means of enabling the tenant to pay more rent? The land is better; but I mean to say that the greater quantity of hares there does not interfere with the payment of the rent; the land is better, and without reference to there being more game he gives more rent for the land there than in the parish of Berkeley; but yet there are more hares in the parish of Slimbridge than in the parish of Berkeley.

3563. Mr. *Villiers.*] You are of opinion that the law requires some amendment at present? I do not know that it requires a great deal of amendment; I have no great wish to see it changed; if it were under consideration I should suggest an amendment to it, but I would not be the person to agitate the question.

3564. You are of opinion that you must do one of two things; either destroy game entirely, or preserve it as far as the law will enable you to preserve it? No; what I said in answer to the question was, that if there were no law you must then destroy it or you must have a law to enable you to preserve it. Now it is discretionary with a person; a man may preserve highly or he may preserve moderately; and in proportion to the care that he pays to it, so will he reap correspondingly.

3565. If there were no game laws there would be no preservers of game? *I am certain there would be none.*

3566. You complain of the permission now given by the law to sell game? No, I do not complain of the permission to sell game, but I think that more regulation for the sale of game might be afforded.

3567. You would have the old qualification restored? To a certain extent I would. If you wish to prevent poaching, and the illegal sale of game, that is, the sale of game by poachers, I am certain you could not do better than restore the qualification for the person who is to sell game to the dealer, that is, the qualification beyond paying the tax.

* But why was this question popular? If his lordship could go to a market table without being known, he would soon be able to supply an answer.

Lord Fitzhardinge sees plainly enough that when legislation about the game laws was begun with a view to adapt the system to the exigencies of modern society, the system itself was doomed. He therefore has always preferred the real feudal plan of making game contraband in the hands of all but the landowners.

Possibly some readers may have seen, and more will have heard, of the extraordinary increase of produce which Lord Ducie has obtained from his "Whitfield Example Farm," in Gloucestershire, by means of outlay and labour; and to a real farmer the way in which Lord Fitzhardinge refers to that farm will afford conclusive evidence of his lordship's own backwardness as a landed proprietor. He spoke rather boastingly of having tenants-at-will on his estate, whose forefathers had lived on the same farms as yearly tenants for 150 and 200 years; but such tenants will generally be found to be little in advance of their ancestors in the management of land. Such a stationary condition, however, judging by the following passages, would not be displeasing to his lordship.

3506 Mr. *Bright.*] Do you know a farm in your neighbourhood called the Whitfield Example Farm? Yes.

3507. Is it within your knowledge that that farm is yielding a larger produce than it did some time ago, or than any other farm of the same number of acres in the district? The system of agriculture upon that farm is entirely changed. There was very fine timber upon it, some of the *finest oak and ash I ever saw.* It was all grass land, I have no doubt; it was cultivated as a dairy farm. The whole of that timber was cut down, and an amazing expense gone to, to turn it into an arable farm entirely. Of course, whether that has paid Lord Ducie no man can know but himself: we may entertain our doubts about it.

3508. Do you doubt the fact, that the produce of that farm does exceed considerably the produce of any farm of equal size within that district? You must know that newly broken-up ground will produce a most extraordinary crop.

3509. Do you know that it is producing more than any farm of the same number of acres within that district? It would for the first or second year: but I do not know that it will continue to do so. I have been over the farm; *it is in very fine order*; but to judge whether it will be practically beneficial to the owner is impossible for me, unless I know what Lord Ducie laid out, and what he sold his timber for, and what the expense of the buildings and of the cultivation has been.†

* Next to game the farmer's chief enemy.

† All these particulars have been published by Mr. Morton the tenant.

3510. Can you tell the Committee whether it would be as good land to gallop over as it was before? Certainly not, because arable land is never so good to gallop over as grass land.

3511. Would it not be worse to gallop over, on account of its being so well drained, and beautifully pulverized? It is better to gallop over a great deal; that is what we want. In the land that is not drained, your horse gets up to his knees.

3512. But if it be land that is almost like garden beds, there is some objection to galloping over it? I should not like to gallop over it, because I do not want to damage the tenants' wheat; I should go as much as possible along the furrows; but of course on drained land you go infinitely lighter than on land undrained.

3513. If your estate were laid out like that, and cultivated like that, would there not be less harbour and refuge for game than there is at present upon it? *No, it would increase the game to an extraordinary extent.*

3514. If there was no cover whatever? That is supposing you were to grub up all your woods. Then you must have some sale for the timber. Such a man ought to be hung upon the highest oak tree upon his estate. Oak timber has been of the greatest value, and if a war should break out again, it would be so again. *I should be sorry to cut down my timber* as Lord Ducie has done. No doubt he thinks he is right, but I would not do such a thing; and more than that, *being a tenant for life, I could not do it, because my estate is entailed with impeachment of waste, and therefore I could not do it.** I can only cut down that timber which is ripe; I have no power to destroy the growing timber. My heir presumptive would immediately, if he found that I was doing what has been done upon that farm, apply to the Court of Chancery for an injunction to prevent me.

3515. Are you of opinion that a high state of agriculture, like that which has been carried on upon Whitfield Farm, is consistent with the strict preservation of game? Yes; I think it might be if you have covers and feed in them. As I have already told you, a great part of my land is grass; nevertheless of course there is some arable, because there must be manure made from the grass land, and there must be a small proportion of arable land to every grass farm; you could not carry on the business of the farm without it, consequently you have some arable land. Now I have some arable land close to the cover. The tenant has broken up arable land close to the cover, and he has had as good crops as any that I see.

The squires and justices are, to a man, in favour of protecting game.

3516. Mr. *Villiers.*] You have given your opinion as to the effect of game upon agricultural produce; are you acquainted with the

* Here we have the glimpse of another impediment to good husbandry.

opinions of other gentlemen in your county, upon the subject? Yes.

3547. Is it the prevailing opinion among them, that game can be preserved without injury to the farmers? I think it is; I speak from what I know. You may conceive the quantity of game to be so large as to do serious injury to the farmer, but I never saw it. I should say, that every landowner having a gun, has the power to reduce the quantity of game, and would necessarily do so, if he found it injurious to his tenants; because, if those imaginary quantities of game exist, and if they have done such damage as they are reported or represented to have done; *the tenant could not pay his rent.**

3548. Practically speaking, you do not hear complaints of the damage done by game? I do not in my own county.

3549. Do you ever attend the sessions in your county? Constantly.

3550. Did you never, upon those occasions, hear any remark upon the subject of the game laws or of game? Never at the sessions. A court, of course, is not the place at which to make remarks upon anything but the business with which the court is occupied. When you dine at the magistrates' table afterwards, the conversation is just the same as the mixed conversation anywhere else.

3551. And they have generally expressed the opinion that game does no harm, and that the game laws ought to be maintained? Unquestionably; if you were to poll the whole of the magistracy, I should say that nine out of ten would be in favour of protection to game.

3552. You do not make any compensation to your tenants for any damage alleged to have been done by game? I never had occasion; they have never applied for it. If they could show to me real ground that such was the case, I should feel myself bound to do it; because if I exact the full rent for my estate, and anything prevents the man from farming it in the best manner, *he would not be able to pay his rent*, and I must either make him a deduction or destroy the game; but that case never occurred.

But magistrates feel reluctance to administer the law..

3592. Mr. *Villiers.*] You stated that the law with respect to game has been administered very leniently in your county? Very.

3593. Is that a wise course to pursue upon the view which you take of the game laws? I think not. But, I think that under the influence of popular outcry there has been such objection raised by the speeches connected with the corn-law, and by the periodical

* The landlords' self interest will ere long accomplish the abolition of the game system. A landowner in Parliament (a protectionist) having lately destroyed all his game, on being spoken to on the subject, said, "Do you think I am going to keep game now we are open to foreign competition?" This is significant, and proves that the "itinerant orators" of the League knew what they were talking about.

press, that they are absolutely afraid. It is an unjust and unworthy fear, but it does operate upon them, and there is a greater disinclination on the part of the magistrates to convict offenders upon game offences; and they require much clearer evidence, and subject to severer cross-examinations persons who come forward to prove an offence against the game laws, than they do upon any other offence.

3594. Do you ever hear general remarks upon the subject by the magistrates? Yes, after dinner.

3595. Have you ever heard them say that they are under the influence of popular feeling? No man likes to own that, because it is acknowledging cowardice.

3596. They do not assign any motive for being lenient upon this matter? They would not admit that they were, because they would then be admitting that they were not doing their duty.

3597. But as far as you can observe, the feeling is very strong in the county of Gloucester about the game laws, as you say the magistrates are acting under the influence of a strong popular feeling? I think they are so; I think there is not a magistrate in the county of Gloucester but would feel, when a game case is brought before him, that he shall be subject to being assailed as a magistrate. I heard an examination to the effect of trying to show that a magistrate would be guilty of partiality towards a brother magistrate who happened to be a game preserver, and that he would be too severe towards the poacher. I know that it produces a fear lest that charge should be brought against them; they are under the fear of a popular outery; they fear to put the laws against poaching as highly as they would the law against any other offence, and they always subject the witnesses to severer cross-examinations, and juries do the same.

3598. Do you know upon what this popular outery is founded? No, I do not. There are a great many popular outcries that I do not know what they are founded upon. They are sometimes got up by persons for the sake of popularity or for vanity.

3599. When outcries of this sort are got up in that way and are quite groundless, do you find that they carry with them a large portion of the public? A large class. When you tell people of the lower class that they are wronged, that there is a class above them who are selfish, pressing them down, and arrogating peculiar privileges to themselves which they ought not to have, it is always palatable.

3600. Does this outery against the game laws proceed entirely from the lower class, and not at all from the farmers and the middling class? As far as I know of the middling class, I do not believe that the game laws are unpopular among them.

3601. The farmers never raise their voices against them? Certainly not in my county. I can speak not only with regard to my own tenants, but I speak of the country I hunt over, the Cotswold Hills. But the country is governed by the newspapers.

3602. Have you any property in Worcestershire? No.

3603. Did you ever happen to hear of a case of poaching last year in which one or two lives were lost? I saw it in the newspapers.

3604. Did you happen to see the opinion expressed by the grand jury with respect to the game laws, upon that occasion? I think it was the petit jury. I remember seeing in the newspapers an account that a man had been murdered.

3605. Do you recollect that the jury expressed a strong opinion as to the mischiefs that followed from the strict preservation of game? Yes; I should not concur with it.

3606. Do you know of what class of persons juries are generally composed? Petit juries are taken from farmers and shopkeepers, and persons in the middle class.

3607. With respect to the lenient administration of the game law, are you of opinion that that has promoted poaching? I do not think a magistrate who does his duty can exercise a discretion as to the administration of the law, if a case is proved clearly before him. There are some cases in which the magistrate has a discretionary power, particularly in the awarding punishments as to fines and imprisonment; in all those he has discretionary power; but in some instances the Act is imperative; the magistrate has no power to exercise a discretion; he is bound to carry the Act into effect upon the case being proved before him by evidence. There are many cases, particularly as to the amount of punishment, where he has a discretionary power; but I never knew the maximum fine levied, or the maximum of punishment given; very generally the minimum, scarcely ever amounting to a medium. My opinion is, that magistrates may do a great deal of mischief, not only with reference to the game laws, but the police magistrates in London, by, in many instances where they have a discretionary power, in the first instance inflicting the minimum instead of a greater amount either of imprisonment or of fine. I believe they would check offences infinitely more if they were not so lenient.

Another game preserving witness was the Hon. H. W. Wilson. Shows the extent to which game had been preserved on an estate in Norfolk. This gentleman was examined in March, 1846.

516. Mr. *G. Berkeley.*] What is the result of your experience, as a preserver of game and as a large farmer? For a vast number of years I had the management of my uncle's, Lord Berner's, property, the Didlington estate, in the county of Norfolk, before it came into my own hands, from 1819 to about 1837; the quantity of game killed on that property varied from 800 to 1,200 head in the season. The extent of the property is about 4,000 acres. In the year 1837 I took it into my own hands, and I have before me an account, taken from my game-book, of the quantity killed each year since that time.

[*The Witness read the same, as follows:*]

DARLINGTON, GAME KILLED.

YEAR.	Partridges	Pheasants.	Hares.	Total Partridges, Pheasants, and Hares.	Rabbits	Woodcocks.	Ducks, &c.
1837-8	577	550	585	1712	—	—	—
1838-9	1221	609	1035	2865	419	14	22
1839-40	1091	711	973	2775	318	8	12
1840-1	1021	1104	1256	3381	548	17	62
1841-2	1439	756	1046	3241	365	13	42
1842-3	958	852	1454	3264	568	24	54
1843-4	922	861	1314	3097	722	36	102
1844-5	502	826	1319	2647	427	21	53

The falling off in pheasants, in the last three years, was in consequence of the land being let to a gentleman who did not much care about killing game; at least his object was merely for exercise. I should observe, that the rabbits the tenants have the liberty of killing as well as ourselves. Woodcocks, wild ducks, and all those sort of things, it will be seen, amount to a considerable number; but the partridges, pheasants, and hares were the chief that I understood were required.

517. *Chairman.*] I understand you to state, that the tenants have the liberty of killing the rabbits as well as the landlord, or the person who has the manor? Yes; we adopted that principle some years ago, and found that it gave the greatest satisfaction. *We do not allow the tenants to have the rabbits by way of profit, and therefore we reserve the right of killing them; we do not intend to make a profit of them ourselves, and therefore we allow the tenants the right of killing them:* of course not in the covers, but in the hedge-rows, and all over the estate they may kill, *with certain exceptions; that is, during the breeding season.*

518. I see that in those years, beginning with 1838-39, there are a certain number of rabbits put down as killed every year; is that the whole number of rabbits killed upon the estate? No.

519. Those are the rabbits killed in covers by the landlord, or the person having the manor? Yes; that is the return from my game-book of the days' shooting.

520. Exclusive of the rabbits killed by the tenants who have the liberty of killing them? Yes.

521. Is it exclusive of any other rabbits which are killed under your directions by the rabbit killers? For the first two years I employed two men during the whole summer, on purpose to destroy the rabbits; those we kept no account of, for they killed young and old during the summer; this merely takes in the game season.

522. This takes in only those rabbits which were killed for sport? Exactly so.

523. Mr. *Cripps.*] You do not require the tenants to give you any account of the number of rabbits that they kill? Never; I

only find fault with them if I see a greater head of rabbits than there ought to be.

538. Mr. *G. Berkeley.* Do you mean by that, that you sell game? We sell the game; we give a great deal away, but what is not wanted for my friends and myself we invariably sell, and that meets with as ready a market as any other description of food which we produce upon the farm.

539. Then you regard the game in every point of view as a lucrative species of private property? Most decidedly; it adds considerably to the value of all our light land properties.

540. The produce of game in money is not included in the estimates you have given in? Certainly not.

541. Then you have found, in your experience as a game preserver and a farmer, that the produce of the estate and the game have increased considerably together? Exactly.

542. Have you found that, with the increase of game upon the land, the inclination to poach has increased among the labourers? The reverse, from the circumstance of its being well preserved, and the almost certainty of detection. I am satisfied that we have not had more than two or three convictions, and I do not recollect one during the latter period.

543. *Chairman.* What do you mean by the latter period? From 1837 to 1842.

544. Was there any poaching before 1837, when the land was less strictly preserved, and when there was a less amount of game? We used to have constant convictions; and if you go back as far as 1819, we used to have constant fights with armed people, with black faces and watch words, and all ready to draw up in a line; they were regularly marshalled.

545. Mr. *G. Berkeley.* Then is it your opinion that the extent of poaching has decreased with the preservation of game? *In strictly preserved districts, most decidedly so.*

546. *Chairman.*] As regards your own experience upon that particular property? Not only on that property but all round the neighbourhood.

547. Mr. *G. Berkeley.*] Then do you look upon it as a fact within your knowledge, that there is more poaching where there is less game ill looked after, than where there is a great deal of game well looked after? There is no question about it.

548. Is it within your experience that other crimes, as well as poaching, are more prevalent on neglected lands where there is no preservation of game, than where game is strictly preserved? On lands with which I have had anything to do, that is certainly the case: I can speak to many instances where the farmers have been thankful that keepers have been employed, and they have said, "We can now leave our ploughs and our harrows in the field; we are not subject to the depredation that we used to be."

549. Then do you look upon the preservation of game, and the persons employed in it, to be a protection to all other rural property? No doubt, limited to their beats, it is the greatest possible protection.

550. *Do you rear much of your game by hand?* *Yes.*

551. During the winter do you feed it in the covers? The system is, where we preserve most strictly, that the keepers rear a vast number of pheasants under hens, and those are removed from the heath ground, where they are generally placed in the coops, to the covers, and there they are fed with artificial food; and in fact they never do, and cannot do any damage whatever to the tenants' crops.

552. Then is it your opinion that the proprietor of the game, by the artificial food, keeps the pheasants, and not the tenants of the land? To a very great extent with pheasants, it is so.

Next is a preserving landlord's account of letting his game farms; it is obvious he has never had men of much independence to deal with.

560. Has it come within your knowledge, that allowance is always made by landlords in letting farms to tenants where there is a great quantity of game? For the period of 25 years and upwards that I had the management of my uncle's property, and since I have had it in my own hands, I can say that I never yet had a valuation in which the valuer did not ask some questions as to the game; probably he would ask whether the amount of game that he then saw upon the land, was the quantity we intended to keep, and he would send in his return with a note something to this effect; "With the present quantity of game I consider it worth so much; if there were no hares upon it I should add £50, £60, or £70," as the case may be. I found in my desk, the morning I came away, a note from one of those valuers. This is many years ago, during the time that I was first mentioning, August 1819; he says, that he estimates the destruction of game at £150 annually, and that by proper management, plenty of game might be left without injury to the tenant.*

561. *Chairman.*] What extent of land was that? They were two out of three farms that I had in my own hands.

562. Mr. *Bright.*] How many acres were there on those two farms? About 1,400 acres.

563. Mr. *G. Berkeley.*] Then is it a fact within your knowledge, that game farms are usually underlet, or let at rents to compensate the tenants? Invariably; I never knew an instance of the contrary; I never had a valuer or a farmer who came to take a farm (and I have done all that business myself) that has not said, "Why, sir, what is to be done about game? What sort of quantity of game are we to have?" And my answer has always been, "I let the farm with an allowance of 10 per cent. for the game upon it; *we will take care that it does not do you any damage more than usual*;† but the game we insist upon; in fact, we consider it a great portion of the value of the estate."

* The landlord's valuer, let it be remembered.

† The reader will learn something hereafter of the value of these verbal promises.

564. Is it your opinion, that game now having been made an article of food for general consumption, it should be considered in the light of private property? I think it would be very desirable, as tending to check the great evil of poaching.

565. Are you aware that game is at this moment private property? It is not exactly private property.

566. Are you aware that it is recognized by law as private property? Not exactly: it is when you take possession of it, but it is not when it is alive in a state of nature.

567. How do you explain the difference? Because it may move off your property to another.

568. Is it not, while it is on one property, the property of the person on whose land it is? Of course it is.

569. Then is the Committee to understand that it is your opinion, that during the time it is on a person's land, it is the private property of the owner of the land? I consider it is.

626. Mr. *Bright.*] You have given us a list of the quantity of game killed; do you consider that this estate is very strictly preserved, and that the quantity of game is very large? *It is strictly preserved; but if I lived upon the spot, I should increase the quantity.*

627. Do you know any estate where the quantity of game is, upon the same quantity of land, three or four times what it is upon that estate? Considerably more, but not three or four times.

628. You stated that the tenants had the liberty of killing rabbits; do they have leases? From year to year.

629. What is the the covenant in the agreement with respect to rabbits? As near as I can recollect, it is worded thus: the tenant shall have the liberty of destroying the rabbits in common with the landlord, covers excepted; *not to employ any objectionable person*, or to kill from some day in the *end of April to the beginning of July: the two months in the breeding season.**

630. What is meant by an objectionable person? That he is not to employ a poacher.

631. He is not to employ a clever person to kill the rabbits? He may employ the best persons he can: *but he is not to employ any person that is objectionable to me*, because there may be fifty people who are all equally good, but one I know to be a poacher who will set his traps in order to catch the hares in the way I have mentioned.

632. From your not allowing your tenants to kill rabbits in the breeding season, I presume that you do not wish the rabbits to be exterminated? Yes; but by the breeding season, I meant the pheasant and partridge breeding season.

633. It is in order to save them, rather than save the rabbits, that you make that exception? Yes; if they put dogs to hunt the hedge-rows, we should not have a partridge upon the ground.

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* Imagine a man of capital enough to farm moderately who will submit to such conditions.

634. You stated, that allowing farmers to kill the rabbits gave great satisfaction; but you said that you did not give them the right to make a profit out of them? In making an agreement with a tenant, I tell him that it is not my intention that he should make a profit of the rabbits, therefore I reserve the right of killing them; but it is not my desire to make a profit of them myself, and therefore I give them the right of killing them. My object is to keep down the rabbits, and to get rid of them as much as possible.

635. What is the tenant to do with the rabbits that he kills? Sell them, or eat them, or do what he likes with them; but he is not to make a profit of them. *If he kept up a good head of rabbits, he would have a greater share than he ought to have.* I have known, on part of this very ground, 35 years ago, a bad and slovenly tenant make as much of his rabbits as his rent. That slovenly man, with small capital, would turn land which would produce good corn into a rabbit warren.

639. Mr. *Bright.*] You stated that this gave great satisfaction to the farmers; is it your opinion that they would enter into a similar agreement with respect to hares with equal satisfaction? We have never tried it.

640. What is your opinion? I cannot tell what they would do.

641. Is it your opinion, that if the farmers had an equal right to kill hares to that which they have to kill rabbits, that would be such an arrangement as would be likely to give them general satisfaction? *I have no doubt that they would like it.*

642. You told the Committee that you sell game; are you the owner of this land? Jointly with my father.

643. What quantity of game do you sell in a year? *I have not the account;* I cannot tell you.

644. *It is rather unfortunate, when you have been so minute with respect to other things, that you have not brought that? It is exceeding £300 a year.*

645. The sum received exceeds £300 a year? Yes; in fact it is a part of the value of the property.

646. What number of acres is it? About 4,000.

647. How much of that 4,000 acres is composed of cover? Between 400 and 500 acres.

648 Are those 400 or 500 acres in cover altogether, or do they run, like little creeks of rivers, into various portions of the estate? They are of various sizes, some large and some small.

629. Are they up and down the estate? All over the estate.

650. Is there is any field which does not lie up to some cover? Yes; I would have brought a map with me of the estate if I had thought I should have been asked such a question as that.

651. Is that £300 a year about the average sum for several years back, or for how many years? It has been more and it has been less.

552. What is the most that it has ever been? I cannot exactly tell you; it would take me the rent of the house as well; I cannot state the exact sum.

653. Have you ever sold as much game in a year as produced you £400? Including rabbits, we have.

654. Have you ever sold as much as made £500 in a year? No.

655. To whom is it that this game is sold principally? The game dealer comes for it, and takes it after a day or two days' shooting.

658. You stated that the sale of this game added to the value of the light land properties; do you think that that is the most advantageous application of that light land, to raise game from it, either as regards the owner of the land or the farmer? It adds considerably to the value of that description of property, far more than the destruction of the game would; but such an estate demands a value from people coming to hire it.

659. You mean by sportsmen? Yes.

660. But that is a value which can scarcely be called intrinsic or real; what I wish to ask you is this, to a farmer having just merely capital enough to manage that property, having a full rent to pay, and wishing to make the best of his capital, would it be more advantageous to keep game on that light land, or to make the best of it by culture without game? It is far better for him to receive an allowance from the landlord in the rent, than it would be to take a farm without any game upon it. I could mention an instance; I have not had a complaint for years till after one or two farmer in my neighbourhood had been examined before this Committee, and they came and said they had too many hares, and they hoped I should kill them. I said, "You know on what terms you took your farms; if you will give me 10 per cent. more you shall be at perfect liberty to kill all the hares;" and they said, "Thank you, sir, we are much obliged to you, but we would rather remain as we are."

661. Then you consider that the allowance they have in the rent is as much or more than all the damage they receive from the game? More, considerably.

662. *Chairman.*] You offered for 10 per cent. more to give them permission to kill the game, and they refused to take the offer? I cannot state that it is actually less than 10 per cent., but that is the reply I made, "You are well aware that your rent is lower by 10 per cent. than it would be if there was no game; if you will give me 10 per cent. more, you may kill all the hares on the premises."*

663. And they declined to accept your offer? Yes. I was speaking to a gentleman last summer as to the damage done by game, and he said it was valued at £100; I then said, "If you will give me £50 additional rent you shall kill all the hares;" he said, "I should be very sorry to interfere with your sport," and he declined it; his rent was between £300 and £400, and he said, "There is an odd £16 between us, will you make it even money?" and I said, "If you will give me the odd £16 you may kill all the

* The farmers were perfectly aware that this petulant offer was not intended to be accepted.

hares; his reply was, "I should be very sorry to spoil your sport," and he remained as he was: the bill had been sent in for damage done, amounting to £100.

664. Mr. *Bright.*] Are you aware that a farmer will frequently submit to inconveniences and annoyances, rather than do anything that appears to put him in opposition to his landlord; and do you not imagine that his unwillingness to accept your offer might arise from that, more than from any opinion that he would be fully compensated by the £50, with permission to kill the game? There is, I am happy to say, and hope there will always be, a good understanding between landlords and tenants; neither party would wish to do what would be disagreeable to the other.

665. Do not you think that the understanding is so good, that a farmer would consider that it was not for his interest to interfere with the sport of his landlord? He could not object, if the offer was directly and distinctly made, that if, upon his giving 10 per cent. more, or any other amount, he was to be at liberty to kill the game, there could be no misunderstanding between the landlord and the tenant.

666. Do you know any case in which a farmer has left his farm in consequence of injury sustained by game? Yes.

667. Do you know many such cases? No; I know of some.

Mr. Wilson, who appears to have been a straightforward person, defending game preserves with something like defiance of public opinion, was rather posed by a point blank question or two of Mr. Bright's.

747. Mr. *Bright.*] What is your opinion of the influence of game-preserving upon agriculture? is it favourable to the progress of agriculture, or is it on the whole rather prejudicial? *That is rather a broad question*; but I should say that everything which will induce a landlord to live upon his property is most favourable to agriculture.*

748. Is it your opinion that landlords could not be induced to live upon their property if it were not for the preservation of game? It induces many to live upon their property who would not otherwise.

749. Is it your opinion that hares and rabbits are more prejudicial and injurious than pheasants and partridges? Certainly rabbits are the most prejudicial.

750. Have you ever heard it stated by any farmers that one sufficient way of compensating them for the damage done by hares and rabbits would be to greatly increase the preserving of pheasants and partridges, that the damage done by the one would be compensated by the advantages of keeping the others? I do not exactly see how that should be.

751. It was stated before this Committee by a gentleman, that although hares and rabbits did considerable mischief to the farmer,

* Dorsetshire, to wit.

yet that the pheasants and partridges, by destroying the wire-worms and various other insects, compensated the farmer for the damage done by the hares; is that your opinion, that the tenant would be satisfied if there were an increased number of partridges and pheasants to compensate for the damage done by the hares? I have heard the tenants upon the estate frequently say, "You may keep as many pheasants and partridges as you please, *but we hope that you will not increase your hares.*"

752. But do they consider that keeping pheasants and partridges would be sufficient compensation for keeping hares? I never stated that, and I never heard it said.

753. Do you think that that would be a reasonable compensation for the damage done by the hares? No.

PRESERVERS WHO HIRE GAME WITHOUT LAND.

The reader will by this time have a tolerably accurate notion of the features of game preserving landlords, which, though sketched by their own hands, will not be very attractive either to the general or agricultural reader. But there are preservers of a still more repulsive kind. A game preserving landowner is bad enough, but there is a lower deep than that; there is the game hirer. He is invariably passionately devoted to game slaughtering,—a sportsman without land; knowing nothing and feeling nothing of the responsibilities of a landowner, he has no bowels of compassion for the tenantry. He hires the game, he buys his pound of flesh, and he takes it. Two of these lackland preservers appeared to support a system of which they form not the least unpleasing part. Mr. Charles Shirley, a gentleman resident at Midhurst, was examined in July, 1845, mainly to show that a statement which had appeared in *The League* paper, of injury done to the gardens of some poor allotment tenants by game, had been exaggerated. And some of the poor fellows who held their gardens under Col. Wyndham, and live under his nose and that of Lord Egmont, another ardent preserver, were themselves brought up for the same purpose. They really made out that the statement was substantially correct; but had it been otherwise, the following account of the drilling they underwent in preparation for an examination before the Committee would probably induce the reader to place no great reliance on their testimony. Mr. Shirley is a magistrate and chairman of a Committee for pro-

moting spade husbandry,* and Mr. Bright, in his Speech in the House of Commons, on moving for the Committee, having referred to the injury done by game to the Midhurst allotment, Mr. Shirley exerted himself to refute that statement. It appears to have been not the Midhurst but the Heyshott tenants that are injured, and thus are they brought before the Committee.

15748. Mr. *Bright.*] Have you had, within a recent period, an interview with the men who were coming up here to give evidence? A few days ago I had.

15749. Was it alone, or in company with Colonel Wyndham? It was not alone, or in company with Colonel Wyndham, but in the presence of a witness.

15750. In the presence of Mrs. Shirley, probably? No. I guess what you allude to; I did, in the presence of Mrs. Shirley, speak to the man's wife.

15751. Were you at Heyshott last Sunday? I think I was.

15752. Did you see the men who were coming up as witnesses? Yes.

15753. Were they going through the drill. Was the conversation connected with their coming up here as witnesses? I will tell the Committee the questions I put to them.

15754. Mr. *Cripps.*] Were the questions in print? No. I put them *viva voce*. I said that there were cases of hardship published in the newspapers against them; was it true or not? That was the question I asked them individually and singly, and they one and all said that they had no complaint whatever to make; that the allotments were a great blessing, and that they would not take £5 and give them up.

15755. Mr. *Bright.*] Yet, though they would not take £5 to give them up, if ejected from them they would be ejected without remuneration for labour or planting? That is upon the Heyshott allotments, which I have nothing to do with.

15756. Are the Heyshott allotments under a society? They are granted by Colonel Wyndham.

This outline is thus followed up by Elcombe, one of the poor allotment tenants.

16122. Mr. *Bright.*] You say that there are seven allotments in in the same field that yours is in? Yes, I believe about seven allotments.

16123. Are they near any covers where the game is preserved? Yes, there is a cover on each side of it.

16124. How long have you had that allotment? I think it is about four years; I cannot say exactly.

* I wonder it has never occurred to philanthropists of this class to offer encouragements for working with one hand, or walking on one leg, in order to make work and motion expensive and ineffectual, for the *benefit* of the labourers.

16125. Do you recollect ever having any damage done to any peas that you sowed in your garden? They did eat a few of them off.

16126. Have any greens that you expected to have for the winter ever been hurt by rabbits or hares? I never had any; I sowed turnips, but I never had any greens; I never pulled any up.

16127. Why did not you pull any up? Because they were eaten up.

16128. Do you mean that you sowed turnips, and that, on account of the hares and rabbits, you got no crop? No, I had none.

16129. Do you think that the rabbits really ate them? I suppose so; I do not know what went with them else.

16130. What sort of a soil is it that your garden is on; is it rather a sandy soil? A sandy soil.

16131. Have you ever seen any holes that you knew had been made by rabbits in your garden? Yes, I have seen that.

16132. Have you ever seen a great many? Yes, there have been a great many at times, but there are no rabbits there now.

16133. During this last year have they been greatly killed off? They have killed a great many.

16134. Do you know whether the other allotments where yours is have also been injured by rabbits and hares, in the same manner as your own has? I do not know that I have a right to trouble my head about other folk's business.

16135. But in passing to and fro, have you ever seen that damage has been done on the other allotments in the same way as upon your own, by hares and rabbits? Yes, I did one morning, next to mine; and the next after said that they ate his peas off a good deal.

16136. Do you think they were hares or rabbits which injured you most last year? Rabbits.

16137. Do you know where they come from? No.

16138. Who does the cover belong to that is close round your allotment? One belongs to Mr. Fisher, and the other belongs to Colonel Wyndham.

16139. Do you suppose that those rabbits were Colonel Wyndham's rabbits or Mr. Fisher's rabbits, or perhaps both? There are no bounds to rabbits; they run anywhere at night.

16180. When did you first hear that you were coming up as a witness before this Committee? On Friday night.*

16181. Who told you that you were to come? Colonel Wyndham's keeper brought me this summons. (*Producing the summons.*)

16182. What did he say to you? He never said a great deal; he told me where I should meet the cart.

16183. What did he tell you you were coming for? He said it was about this game and rabbits, and that.

16184. What further did he say? He never told me.

16185. Where did he tell you you were to go to? Colonel

* He was examined on Monday.

Wyndham's house; we were to take a cart, and go to Petworth, and then come by the coach.

16186. Did you go to Petworth on Saturday morning? Yes.

16187. At what time did you reach Petworth? About eight or nine.

16188. Whom did you see when you got there? Mr. Hayward, I think.

16189. Who is Mr. Hayward? is he the agent for Colonel Wyndham? Yes.

16190. How did you come from Petworth to London? I came by coach up to the railway.

16191. Who were with you? Three more men here.

16192. Were they Poat and Robinson and Hopkins? Yes.

16193. Did you get to London on Saturday? Yes.

16194. At what time? About one o'clock.

16195. Where were you to go to when you got to London? To Colonel Wyndham's house.

16196. Do you know where it is? Yes; that is where I have been staying.

16197. Have you been staying at Colonel Wyndham's house from Saturday till to-day? Yes.

16198. You have been eating and drinking and sleeping there? Yes.

16205. Do you think the allotment would have been of a great deal more use to your family if there had been no rabbits in the neighbourhood? Yes; I should have had more potatoes, I am sure.

16206. And would your neighbour have had more peas? Yes, I dare say he would; there were no peas; but there are some that never sowed any peas; and where they planted all potatoes, I believe they did not hurt so much.

16207. Have you begun to plant more potatoes this year? I have; I have planted it all.

16208. Did you do so because you thought the potatoes would not be so much hurt by game as turnips and other things? I thought the potatoes would be of most use to us in winter.

16209. Did you think they would be less hurt by the game? Yes; the rabbits will not hurt the potatoes so much as they will anything else.

16210. Do you think you shall give up your allotment, or do you mean that you will only give it up if you cannot prevent the game doing any mischief? I told Colonel Wyndham once before that I would give it up, and he said no, he did not wish me to do that; and he said he did not wish to have any rabbits there; *and I said, then I would keep it on if there were no rabbits.**

16211. Has not Colonel Wyndham given the tenants of the allotments some lime? Yes.

* The reader will recollect that Mr. Pusey's keeper said he should be ruined by occupying land rent free in the midst of the preserves.

16242. How much did you get? We had 16 bushels to every quarter of an acre.

16243. Do you know how much 16 bushels of lime would cost in your neighbourhood? I do not know.

16245. Mr. *Bright.*] Did Colonel Wyndham ever give the tenants of the allotments any lime before that time? I do not know that ever he did.

16235. Mr. *Villiers.*] If a farmer showed you a turnip that had been bitten by a rabbit, and asked you what had done it, should you know that it was a rabbit? Yes; or a hare, if it was bit down to the root.

16236. Is there not a particular way that a rabbit or a hare has of biting the plant? No doubt; any one can see that.

16237. Did you ever see rabbits in your allotment? Yes, very often at times

16238. Is there anything to prevent rabbits getting into your allotment? No, without one catches them and kills them.

16239. There is not a fence all round the allotment that they cannot get over? They can get over the fence as well as about the field where they feed.

16240. When you see a rabbit in your allotment, do you kill it? *No; we dare not do such a thing as that.*

16241. You think you would have somebody talking to you about it if you did so? I never tried it; I never pretended to do such a thing.

16242. When you took your allotment, did you suppose that you had not a right to kill a rabbit that came in? I dare not kill it.

16243. Did you think of the rabbits when you took your allotment? I knew there were rabbits about it.

16244. Did you think of the mischief they might do you when you first took it? No.

16245. What would happen if you were to kill a rabbit? who would complain of it? The keeper most likely, if he was to catch anybody.

16246. The keeper would object to your killing a rabbit in your allotment? Yes.

16247. Is there any sporting gentlemen in the neighbourhood? Yes, all the gentlemen about there.

16248. Gentlemen who kill rabbits when they go out shooting? Mostly pheasants and hares. Some go to kill rabbits when they are shooting about for others, sometimes.

16249. But you would not like to kill a rabbit, for fear of spoiling the sport? *It is not allowed.*

16250. Did anybody ever tell you that it was not allowed? *No, but we know that the law is very strict, and anybody is afraid to do it now.* I never would do it, if I could get a bit of bread anywhere else.

16251. You would rather the rabbits did not come into your allotment? Yes.

16268. You were understood to say that you spoke to Colonel Wyndham about the harm the rabbits had done? We were called up before him.

16269. In London? No, at Heyshott.

16270. How long ago was it? I do not know.

16271. Do you know whether it was before Easter? I should think it must have been.

16272. What was it about? Because I told a gentleman that came into the field and asked; I happened to tell him about those rabbits. He saw them, and asked me, or else I should never have said anything about it. *He asked me what scratched the hole out, and I said the rabbits.*

16273. And then it got round that you had told this gentleman that had come into the field? I suppose that was it.

16274. And then Colonel Wyndham had all the men up that had allotments under him? Yes.

16275. And he spoke to them all? Yes.

16276. What was it he said? He asked me whether I knew this gentleman, and how I came to say it.

16277. He knew it was you that said so? No.

16278. Did you tell him first? No, I suppose it was by the letter put in the book.

16279. And you told Colonel Wyndham that the gentleman had seen the holes, and you told him what had made the holes? Yes.

16280. What did Colonel Wyndham say to you when you told him how it was? He said that he did not wish to have any rabbits about there.

16281. He did not say that the rabbits could do you no harm? No, he did not say anything about that.

16282. He did not say that the rabbits could not go on your allotment? He never said that to me.

16283. Did he say that he would tell his keeper to kill them? Yes, he told me that.

16284. His keeper was present? Yes.

16285. And he told his keeper to kill the rabbits? Yes.

16286. And there have been fewer rabbits since? *They have been shot down surprisingly since.*

16287. Then it was a good thing you met the gentleman in the field? I do not know about that; *very likely it will do me harm.*

16288. How will it do you harm? you will not lose your allotment unless you choose to give it up? *Very likely I may get turned out of it.*

16289. Colonel Wyndham was not angry that you told the gentleman in the field? I do not know.

16290. Has anybody said anything to you about it since? Yes; that gentleman came over to me on Sunday, and talked to me about it—(*Lord George Bentinck.*)

16291. Did you hear that that gentleman's name was Lord George Bentinck? Yes.

16292. He came over to you? Yes.

16293. Was anybody with him? Yes, there was another young gentleman.

16294. You do not know who it was? No.

16295. And this gentleman asked you about the rabbits eating your turnips, or doing harm to the allotment? Yes.

16296. Did you tell him the same story that you told Colonel Wyndham? I told the gentleman that I said I would give it up if it did not pay me any better than it had done, and so I told Colonel Wyndham.

16297. And you have always said the same thing? Yes.

16361. *Lord George Bentinck.*] Do you recollect my asking you whether it was possible to count 50 or 60 rabbit holes? Yes.

16362. Do you recollect what answer you made? I told you it was the little holes which were scratched out.

16363. Do you remember that *you said* to me you had seen two or three scratched holes? *It was the keeper made answer to you;* he said it was little holes that the rabbits scratched out, and he showed you one place.

16364. Was the keeper there? It was Sevior; he said, "These are the holes that the gentleman means; it is not rabbit burrows."

16365. What sort of holes are those you are speaking of? You may see a parcel of little holes scratched; *you saw some in the Cold Harbour Field just like it.*

16366. Will you describe what sort of holes these rabbits are said to have scratched: could you put your head in? No.

16367. Could you put your two fingers in them? *Yes, and your two fists, and run your arm in them under the ground.*

16368. Are they in your allotment? Some of them, and some not so big.

16369. Had you any holes in your allotment in which you could bury your two fists? Yes.

16370. How many? Fifty or sixty.

16371. In your allotment? That is what the gentleman told.

16372. We all know what the gentleman told; I ask you, how many holes in which you could put both your fists you could count in your allotment? *No doubt the gentleman was right.*

16373. I want to know how many holes you could count yourself? *He could count in my allotment fifty or sixty, and more too.*

16374. Mr. *Bright.*] When you say "what the gentleman told," what do you mean? do you mean what the gentleman counted? Counted the holes.

16375. Were you there when he counted the holes? Yes.

This is the passage from *The League's* correspondent which stirred up the game preservers of the Midhurst district.

16504. *Lord George Bentinck.*] Was this the story your daughter read to you: "William Elcombe told me, and on a subsequent day

showed me, that his allotment was, at best, of little value to him; it was part of a small field situated with plantations, full of game on three sides of it, and a heath, on which the game was also preserved, on the fourth side of it. Everything which he sowed or planted upon it was eaten up by game, save his potatoes, and they were also destroyed less or more. I myself counted sixty and odd rabbit holes, mostly made by young rabbits learning to excavate, as young rabbits do, among the potatoes. He had sown peas, expecting a few dinners of green ones, with a bit of bacon, in the summer; but he only had in all about a gallon, where he should have had at least a bushel; this was entirely the result of the game. He had tried, both last year and this, to get some turnips and greens for the winter; every blade went to the rabbits. All his neighbours were in the same predicament, less or more. This land was rented from Colonel Wyndham, of Petworth, and the game was his game and two other gentlemen's." Was that the story you heard? It is pretty much like it, I think.

Mr. Shirley gave some passages in his own history as a game-hirer.

15557. Mr. *Bright.*] Are you a landowner in that county? I am.

15558. To what extent? To a small extent.

15559. Does your landed property extend to 100 acres? No, not in the county of Sussex.

15560. To what extent does it go? I rent with my house and garden about five acres.

15561. Are you a sporting character? Yes.

15562. Are you passionately fond of field sports? I am very fond of shooting and hunting. I am not a fisherman.

15564. Is there any land over which you have the right to sport? Yes, a considerable extent.

15565. To what extent? I should think about 3,000 acres.

15566. Whose land is that? Lord Egmont's.

15567. Have you the right of sporting over any of Colonel Wyndham's land? I have.

15568. To what extent? Almost the whole of his possessions in the parish of Heysholt.

15569. What extent of property of Colonel Wyndham's do you shoot over? It is not a large property there. There is one very large fox cover, and two smaller ones, and some partridge ground on the hills.

15570. Does it extend to 1,000 acres? I should think not.

15571. You have the right of shooting over about 3,000 acres of Lord Egmont's, and something perhaps not exceeding 1,000 acres of Colonel Wyndham's? I should think not exceeding that.

15572. Do you hire the shooting? No, I never paid the rent for either of them. The late Mr. Poyntz was a relation of my wife's, and for many years of his lifetime I had a much larger extent of

shooting. When he got infirm, and out of health, he gave up preserving, except what was upon the home covers. He gave me a very large extent, which I held till Lord Egmont bought the property. Since that, Lord Egmont being fond of shooting, did that which I should have done in my own case; he wished to get a greater extent nearer home, and he told me he should like to do so, but I might retain so and so in other parishes.

15573. Do you pay any rent to Lord Egmont or Colonel Wyndham for the shooting upon their land? No, I never did; it was stated that Lord Egmont was receiving rent for his shooting, but I never paid a farthing of rent to Lord Egmont.

15576. How many farms are there in the parish of Lurgashall, over which you have the shooting? Three, I think.

15577. Is there much game in that parish? No; in former days I did not preserve so strictly; it was the furthest point of Mr. Poyntz's property, *but now I have fed and preserved more there.*

15578. Have you any keepers? *I have two regularly, and, in the winter, helpers and night watchers occasionally.*

15579. You have two men who are keepers, and only keepers, and night watchers and other helpers in winter? Exactly.

15580. How many do you employ as keepers and watchers at any time? I *leave it to my head keeper to exercise his own discretion.** I have always one regular assistant, and the moment the season begins, on moonlight nights, and so on, when they think there is any danger, I leave it to their discretion to put two or three men on, who are paid by the night as they are wanted.

15581. What may be the expense of preserving over the property that is in your hands? I should say that my amusement costs me a good £200 a year; rather more than that.

15582. For the expense of keepers? And feeding, which I buy of the tenants; including everything: I give them all cottages.

15583. Are you aquainted with the farmers in the parish of Lurgashall? Yes; there is a new man come within two or three years.

15584. Besides preserving upon the land, do you rear any pheasants under tame hens? Occasionally, nests that are laid in dangerous parts of the hedges and near footpaths, my keepers take them, and I bring them up under tame hens.

15585. Where do you bring them up? Generally in the covers; they bring the eggs generally to my own poultry-yard, and then, when they are a day or two old, I send them and put the hens under coops in the covers.

15586. *To feed upon the farmers' lands in Lurgashall? Yes;* but they have very seldom turned out there; I turn them out in the covers nearer home.

15587. How many pheasants did you rear under tame hens last season? I know it was a very unlucky year.

* Pretty well for a gentleman with five acres of paddock and a garden!

15588. How many eggs did you sit under tame hens? I suppose I sat nearly 200.

15589. Not more? No, not so many I should think.

15590. Is that the most you have ever put under tame hens? I should say I never put more than 200, certainly.

15591. Have you any sitting at present? I think, when I left home on Saturday, the last hatch was come out, which I call a very late hatch, and I doubt whether it will come to anything.

15592. During this season, how many eggs have you had under tame hens? Not near so many as last; indeed, I have not found it answer well.

15593. When do you turn out the young poults? When they are old enough to take care of themselves we take the hens home again. We feed them in the usual places a week or two after we have taken away the hens.

15594. Then they are at liberty to pass to and fro over the farmers' lands? Yes.

The game hirer hears something more of farmer's complaints than the preserving landlord.

15595. Do you know whether any farmers in the parish of Lurgashall have ever complained of the quantity of game kept there? Last season Farmer Luff did make a trifling complaint.

15596. What do you call a trifling complaint? He wished me to come and kill the hares that were injuring his corn; I did so, and he was quite satisfied.

15597. Is there any other farmer who has made any complaint? There is a man in Tillington parish named Aylwin; he holds of Lord Egmont, and of Colonel Wyndham.

15598. What sort of complaint did he make? I have shot over his farm about seven or eight years, and this last year was the first year I ever had a single complaint from him. I had been away, and I came home just before the corn was cut. I had a complaint from him touching damage done by hares and rabbits to his wheat; in consequence of that, I sent for my head keeper, and I said, "I understand that there has been some damage done;" he said, "Yes, there had, certainly, some." The spring of 1844 was a particularly dry spring, and there was a larger increase of rabbits than I ever remember before; that I admit freely. I told my keeper I was sorry to hear it; it was the first time I had ever heard any complaint from a farmer, and he was to see about it, and to get an estimate made what would be a fair remuneration, and let me know. I told him not to go by his own judgment, because I knew that that would not be satisfactory to the farmer. I told the keeper to apply to a farmer to look over it, and to find out upon the ground the way in which it had been cropped and dressed, and give me a fair estimate.

15599. Who was the farmer to whom he applied? *A neighbouring farmer; but he most particularly requested that I would not*

give his name, because he was not on particularly good terms with Aylwin; at least Aylwin was a violent-tempered man, and he himself was a candidate for this very farm, and he wished that his name should not be given up.

15600. What was the valuation? The first party who made a valuation *said that £6 would be an ample remuneration*; I wrote Aylwin a note to that effect; that I was sorry he had suffered any damage, and that I had given directions to have it valued, and I had had a report of the damage done, and that, according to that report, it was £6, and if he thought that satisfactory, I would send it him the next morning; I had no answer till about a week after, when as I was sitting down to dinner I was told that two respectable farmers wanted to see me particularly; I thought it might probably be about some robbery or burglary, but however I saw them; one of them I knew was a very respectable man; they said they came on behalf of William Aylwin, about the damage that he had received from the hares and rabbits; I told them what I had done; they said he was not satisfied with that, and he had begged of them to look it over and put a fair value upon it, and before they did so they had come to let me know. I knew one of them was a highly respectable man, and the other was a large tenant of Col. Wyndham's. I said, "Very well, gentlemen, whatever you think right, knowing your character, I will at once pay to Mr. Aylwin." I heard nothing for some time of their award, but after several months I wrote to say that I wished to be out of hot water, and I wrote once or twice before I got their award. At last I got their award, which was £15; I sent it the next day to one of his own valuers, and the next morning he sent a receipt for the money.

15601. Is it common for people to get into hot water in connexion with game? I have been connected with game a great many years, and this year is the first complaint I ever had from any tenant. I could give some ground for this complaint. I do not wish to say anything against the man, but I have had serious grounds of complaint against him, and he is the only man I have ever had a complaint against in my life; but I do not wish to say anything about it, because it is some years ago.

15602. How long is it since you paid the £15? The very day that I got the award; it was for damage done last summer.

15603. Do you know whether it was land close to the covers that was thus injured? *Close; it was the first time he had ever set it with wheat out of its turn.**

15604. On what extent of land close to your covers was that £15 paid? The £15 was paid on two fields; the award was on both fields.

15605. What was the extent of land which was actually damaged by the game? I did not inquire. When I said "I will abide by whatever you say is right and just," I did not say any more.

* The coolness with which a game hirer comments on the farming of the tenants on whom he is an incubus is amazing.

15606. Do you believe that it exceeded six acres? One field was a four-acre field, the other was a larger field, *but it was only partially wheat*; a great portion of the damage done, according to what I heard since, *was on the four-acre field*.

15607. Has Mr. Aylwin given notice to quit that farm? He has.

15608. How long since? Three years ago there was some little dispute between him and Lord Egmont's steward, touching some trifling matter about the property tax, and he is rather a hasty man, and he told the agent then that he should quit. The agent said, "Well, Mr. Aylwin, I do not want to take a hasty moment; if you wish to put it in writing the thing will be done;" but he did not do so, but has given notice to quit this last year, and he leaves at Michaelmas.

15609. Do not you know that Mr. Aylwin's chief motive for quitting that farm is the amount of damage which he has received from game? If I was on my oath, I do not believe it.

15610. Do not you know that he has said so? I only know from some of these papers which were sent to me; I do not know by whom; they appear to come from the Anti-Corn-Law League; and they state that he said so. I never said so.

Let the reader contemplate an utter stranger keeping this stock, and protecting it by means of head and under game-keepers and game watchers, on a tenant's farm.

15623. Mr. *Bright.*] Will you tell the Committee how many head of game you (and a friend with you) killed on any one day during last season on the ground that you shot over? Take first that which you have under Lord Egmont? I have three or four beats under Lord Egmont on that 3,000 acres.

15624. The question refers particularly to the part near Mr. Baker's farm? I think our best day there was 100 head.

15625. What did that game consist of? It was a very prolific year for rabbits last year; I think there were 35 rabbits out of that, and woodcocks, partridges, and pheasants, and I think 10 or 14 hares.

15626. How many guns were there? Four; Lord Egmont was one of them, and a pretty good one.

15627. Who are the principal game preservers in that district? does Lord Egmont preserve? Yes; he is very fond of shooting; he has taken possession of a good deal of ground that I used to hold under Mr. Poyntz.

15628. Can you give the Committee any idea of how many acres Lord Egmont preserves over? I cannot, but a very large tract.

15629. Do you think he preserves over 10,000 acres? I should think 8,000, certainly.

15630. Does Colonel Wyndham preserve much? Yes, about Petworth.

15631. How many acres does he preserve over? I should think 17,000.

15632. Do you know whether he has a large staff of game-keepers and watchers? Yes.

15633. Have you any idea how many? I cannot say that; I have shot with him a great deal, and he has a keeper on every beat; I think from 18 to 20.

15634. Are those regular keepers, besides watchers? Those are keepers, and there are watchers besides.

15635. Is the game preserved very successfully upon those 17,000 acres? Yes.

15635. And the same upon Lord Egmont's? Yes.

15637. Is there a Sir Charles Taylor living in that neighbourhood? Yes; I know him very well.

15638. Is he a game preserver? Yes.

15639. Do you know how much land he preserves over? I think his estate is about 4,000 acres, and he holds under Lord Egmont about two, I think.

15640. Do you know what is the condition of Sir Charles Taylor's tenant's generally with respect to game, and whether any of them have been ruined through game? No. I never heard that; some portion of the estate is very poor land.

15641. Do you know whether Sir Charles Taylor sells his game? I can only speak from hearsay; I believe he does.

15642. Sir Charles Taylor preserves strictly, and deals in game? I cannot say that of my own knowledge, but I have heard that he occasionally sold game.

15839. Mr. *Villiers.*] You have devoted your life for 25 years to sporting? Yes; to game preserving and sporting. I have been fond of sporting the whole of my life, but since I left the army, which is rather more than 25 years, I have preserved game to a moderate extent.

15840. Your attention has been peculiarly given to game preserving and to sporting for 25 years last past? Yes.

15841. You were understood to say that it was only quite recently that you have heard any complaint of game? Quite recently; within the last season.

15842. You have been in the habit of sporting and living with people who sport, and persons who preserve game? I have.

15843. Are the Committee to understand that it is only within the last year that you have heard of complaints from farmers, or complaints of the heavy burdens of supporting poachers; in fact, general complaints against the game laws? *I never heard any complaints in my life before.*

15844. Have any statements in newspapers ever caught your eye in the last 25 years with respect to the consequences of excessive preserving? Those papers may have attracted my attention; I have seen debates in the House of Commons alluding to the point; but I speak of my own knowledge when I say I have never heard any complaints.

15845. In the newspapers you have never seen any general complaints upon the subject of the effects of the game laws? I have read debates that have occurred in the House upon the subject of game; and in the papers I have seen some remarks.

15846. Have not you looked at the public papers with a view of investigating what was the state of public opinion upon the subject of the game laws, so far as the press is any indication of it? I have seen the debates in Parliament, but I have never heard any complaint; I have had no complaint against me as a game preserver until this last year.

15847. And according to your knowledge, there has been no public expression of feeling about the game laws, and the consequences that follow from them? I have never heard of any complaint.

15848. You were understood to say that you were connected with the family of the late Lord Suffield? Brother-in-law.

15849. Are you aware of the opinions he entertained upon the subject? I know his opinions with regard to prison discipline; I was with him the only time I ever shot at those battues.

15850. Are you aware of a famous pamphlet that he wrote upon the game laws? No, I am not.

15851. Are you aware of the important evidence which he gave previously to the change in the game laws? No.

15852. Did you ever happen to read, when reading the debates in Parliament, the speech which he made upon the subject? No; to say the truth, I was not very much in the habit of reading his speeches.

15853. Then it is possible that Lord Suffield may have composed that pamphlet, and may have entertained those opinions about game, without your knowing it? Certainly.

15854. You were in the habit of sporting with him occasionally, but you never heard him express any opinion upon the subject of game? To the best of my belief, I never did.

15855. With respect to his works upon prison discipline, have you ever read any of his works upon the subject of prison discipline? No.

15856. You are not acquainted with the opinions he expressed there as to the progress of crime? No; I never read the works; I do not think I ever heard him express any decided opinion upon that subject.

15857. You have been fortunate enough to live in this country, to mix with the world, to act as a magistrate, to be a sportsman, to live with preservers of game, and to preserve yourself, but you never, till within the last twelvemonth, heard any complaints against the preservation of game, and you never heard that it was followed without any consequences which were complained of? Certainly, never.*

This seems to be a case of escaping knowledge in spite of opportunities.

Yet this gentleman had some qualms about selling game, the nature of which he did not appear to be very well able to define.

15646. Is it considered rather creditable or otherwise, or is there any feeling with respect to selling game? I have my own feeling with regard to it; whether it is pride or not, but I certainly do not like the idea of selling game.

15647. Why do not you? I have my reasons; because I do not pay any rent for the shooting, in the first place, and, in the next place, *I give away to the tenants*, and to people who do not shoot in my neighbourhood.

15648. Suppose you did pay a rent for the shooting, or suppose it was your own property that you shot over, what would you think of the system of selling game then? I am very fond of shooting, and if I paid a high rent for the shooting it might alter my ideas.

15649. Have you any feeling that it is not a very honourable or noble sort of occupation to sell game? If you ask me my own opinion, I have no hesitation in saying that I do not like the system of selling game.

15650. Why do not you like it? what is there that makes you feel as if it were not quite a right thing in gentlemen and noblemen to sell game? I do not say "a right thing;" it is a thing rather against my own feeling.

15651. Why is it against your own feeling? I have a natural reluctance to that sort of thing; I never have sold a head of game, and I do not think I ever shall.

15652. Can you state the ground upon which you would think it less desirable for Lord Egmont or Colonel Wyndham to sell game than it would be for them to sell timber? That is quite a distinct thing; I do not think the argument holds much there. A man has quite a right to sell game if he likes it; but you have your own feelings and your own views upon such points, and a man has a right to exercise his own views. I have said that I do not like the system myself.

15653. If one of those gentlemen had a farm in his own hands, and he reared a large quantity of poultry, why should you feel differently with respect to his selling game and with respect to his selling those other things? I do not know quite.

15654. Will you be kind enough to explain how you understand that difference of feeling? I leave other people to be guided by their own feeling, as I am by mine.

15656. Do you consider game to be private property? Certainly.

15657. As much private property as fowls or sheep? Certainly.

15658. Do you think a man needs to be so fastidious as to have any objection to dispose of his property? A man has a perfect right to dispose of game as he likes; but, for myself, I do not like the system.

15659. Are you quite sure that the objection to the system does

not in some degree arise from the fact that a gentleman who sells game is conscious that it feeds upon the farmers' crops? No.

15660. Do not you consider that there is something in that? Not in my mind; that has not been at all the reason I have not sold game; the first parties I give away game to are the tenants whose grounds I shoot over.

15661. Do you think that is in some degree due to them? It is from a good feeling towards them on my part; they have always acted very kindly to me, with the one exception I have mentioned, and I have great pleasure in sending them game; they are among the first parties I send it to.

It seems that Mr. Shirley is one of the gentlemen whose presence and services would be lost to the rural districts if there were no game laws.

15766. Mr. *Bright.*] Do you think the quantity of game has any effect upon the amount of poaching? Of course a large amount increases the temptation.

15767. Are you decidedly of opinion that the increase in the quantity of game increases the temptation to the labourer? When a man is determined upon being a poacher, it will not be worth his while to run the risk to go into a cover where there are two or three pheasants.

15768. You are a gentleman occupying your present position for the purpose of preserving the peace, and as a magistrate you are interested in the good order of society; and those gentlemen with whom you sit on the bench, and with whom you are associated, are in the same position. Now, seeing that so many poaching cases come before you and the other benches of magistrates, and that the game is preserved simply for your amusement, do not you think a little consideration might lead you to the conclusion that some change might be made by the gentry that would be very beneficial to the country? *I am not a judge of those things;* my own impression is, that you cannot do away with private property.

15769. Do you know that any great national interests are involved in the question of preserving game? As regards the national interest, I maintain that if my amusements were knocked on the head, *I should cut the country and give it up altogether,* and I think many hundreds of country gentlemen would do the same; and I think the poor would suffer very materially in that case.

15770. Is it your opinion really that country gentlemen have so little tie to their patrimonial acres, that they would not be found upon their estates unless there was game for great sporting, battue shooting, and so forth? My opinion is, most decidedly, that without some recreation for the country gentleman, *he would not be induced to remain in the country.*

15771. Do not you know that there are some counties in England where there is not much game? Yes.

15772. Have you ever learnt or observed that the dwelling of

country gentlemen upon their estates is less frequent and less continuous in those counties than it is in counties where the game is greatly preserved? My acquaintance with the country has been generally in game counties; I know very little about the manufacturing districts in Lancashire and Yorkshire.

15773. What is the length of time in the year during which gentlemen can enjoy the pleasure of shooting? From the 1st of September to the 1st of February.

15774. Then if the chief reason for preserving game is, that it would keep the gentry on their estate, has it much effect from February to September? No; but I hope that my sole occupation is not the amusement of shooting; I hope I am of some trifling use in other ways, and when the season is over, I turn my mind to other occupations.

15775. Does not it appear to you rather inconsistent with what is considered the advancing civilisation of this country, that country gentlemen should be supposed to require a pursuit, which at any rate is rather barbarous than civilised, to keep them upon their estates? I do not see anything barbarous in it; but I am a man that have been all my life used to strong exercise; * if I was shut up at a desk many days together I should be cross and uncomfortable, and I require recreation.

15776. Then you think that the country gentlemen could not exist for *ennui* unless there was game to amuse them? No, I hope not; I have a better opinion of them.

15777. You stated that you should leave the country if there was not game at Midhurst for you? If there was not game, I should either sell or let my little property there.

15778. Would you say that generally the country gentlemen in England have the same feeling? I think so, decidedly; I think many hundreds, if there was no out-door recreation, would seek it elsewhere, either abroad or in this metropolis.

15779. Have you ever heard that our fathers and grandfathers used to shoot in the same way? My father was very fond of it, and hunting too.

15780. Looking back some 80 or 100 years, are you not aware that a system of great and extensive preserving was not practised in those days, but is a thing of modern growth? I believe the battue system is a thing of modern growth.

15781. Do you not believe that the having a great number of keepers and watchers, and these numerous prosecutions before magistrates, are things of modern growth? I can remember, for many years, the same system: but I believe the extreme battue system is of more modern growth.

15782. Do you believe that it would be possible to have (if there is such a thing as rational sport) a rational amount of sport without excessive game preserving, if you want to do away with *ennui*, because the fewer the birds the greater would be the exercise? I

* Is it not rather an excitement wanted?

do not attempt anything in the shape of a battue; my amusement is the shooting with my own dogs, and walking.

15783. What is your opinion with respect to battue shooting? I have shot only two or three times at battues, and I do not like it.

15784. Will you describe a battue to the Committee? I have not had any experience of it; but a few years ago I was with Lord Suffield, who was my brother-in-law, in Norfolk, and for two or three days there was battue shooting; we were ten guns. I think there were about four guns at each bird, which I did not like, and each man had his servant behind him, who scored that bird to you or to me; so that at the end of the day there were a vast number more of heads of game killed than were in the bag. I believe in battue shooting there are no dogs; I always like to have dogs.

15785. Did you ever hear of any of those sportsmen who like to kill so many going into Leadenhall market, or into any poultry yard, and shooting at them? I never did; I should not buy the birds so shot.

15786. Do you know whether your keepers have ever bought any eggs, or leverets, to stock any part of your preserves? Never; I think that would be encouraging unfair practices to one's neighbours.

15787. Have you ever heard the remark made in your neighbourhood, that poachers do not look for much mercy from a bench on which so many game preservers act? I do not know that I ever heard it; *I have no doubt they do rather dread a bench with game preservers on it;* but I do not believe that a man who preserves game would inflict a heavier penalty than another magistrate who is bound to act according to his oath.

15795. It may be that you have a strong predilection for game, and that I have none. Do not you suppose that there is the same difference among the class of labourers? that one man, of an enterprising, energetic, and active spirit, would be very glad indeed to participate in those sports, whilst another had not that desire, and that to the former the keeping of game would be a great temptation? *I think there are idle characters in all classes of society,* and in every district, and it is originally idleness that leads to this poaching.

15796. You think that idleness leads to poaching? Yes; a poacher is an idle, bad character.

15797. Do you think that idleness, that is, having nothing to do, *leads to game preserving and game shooting among the gentry?* No, I do not think it does; I hope I have a good deal of occupation, independently of my own amusement.

15798. Is it your opinion that if there were no game, or almost no game, in the district around Midhurst, the amount of offences against the law would be considerably reduced, and the duties of your petty sessions considerably abridged? I am sorry to say that I do not think it would; I am convinced that if game were done

away altogether, idle fellows would take to stealing your sheep and your poultry, or anything else, and we should have cases of greater magnitude from those bad characters.

Another game hirer who gave evidence was Mr. Henry Villebois; he had got into disputes with some of the tenants over whose farms he had hired the game-rights; and the chief object of his examination was to displace some statements made by one of those tenants, Mr. Lock. Mr. Lock's son had been charged by Mr. Villebois's keeper of shooting at a partridge on his father's farm; and had been convicted in the game law penalty, and prosecuted for the certificate duty and cumulative penalty, as Mr. Lock thought, unfairly. Mr. Villebois being as a magistrate and a commissioner of taxes on both occasions, and according to Mr. Lock's impression, acted judicially in his own case. This Mr. Villebois denied, and no more of that personal matter will be noticed than may incidentally furnish illustrations of the system.

916. Mr. *G. Berkeley.*] I believe you are the renter of the game over Mr. Lock's land? Yes.

917. Do you look upon the game which you rent to be as much your private property as anything else for which you pay money? *As much as my own flock of sheep. I pay money for it, and therefore it is my own.*

918. Are you aware whether the tenants rent their farms of their landlord whose game you rent at what is known as a game rent? I do not know that; *I do not know what the arrangement is between tenant and landlord.*

919. You are merely in the situation of the renter of the game, and you look upon the game as your private property? Certainly I do, as much as my flock of sheep.

920. Are you in the habit of farming yourself? Yes.

921. To what extent do you farm? About 600 acres of my own, in another parish.

922. Is the land that you farm your own? Yes, it is all my own.

923. Do you preserve game strictly upon that land? Yes, I do.

924. Do you find that you can grow good crops in conjunction with a strict preservation of game? I think that all depends upon the seasons. Two years ago it was a tremendous breeding season for hares; there were twice the number of hares two years ago that there were ten years before; then last year was a very bad year again; but, taking one year with another, I do not think that

game does that mischief that people tell you it does ;* that is my opinion of it.

933. Do you find that the preservation of game affords much labour to the poor of your vicinity, in watching it, or in looking after the establishment contingent upon game? It is the cause, I am positive of this, of more money being spread around the parish; by the preservation of game, there is money going out in all ways.

934. Then, in your opinion, does the preservation of game, and the amusement that it affords to country gentlemen, greatly tend to induce the residence of landlords on their estates? I should say that if they took this power away from us, I do not think anybody would live in the country.

935. From the great practice and experience you have had, is it your opinion that the fact of the preservation of game does not in any one way tend to demoralise the lower classes or the labouring poor? Not at all.

936. Have you any explanation or anything to offer to the Committee, further than that which I have asked you upon? There are one or two things that I had better state to you. It has been stated by Mr. Lock, that in 1844 my game did him upon his farm £163 11s. 10d. damage. *I deny it.* Mr. Lock forgot to tell the Committee that his stock broke into his standing corn, and ran all over the standing corn; and Mr. Lock, on threshing his corn, not finding the proper quantity that he ought to have had, thought proper to lay that to the game, when I can prove that his stock ran all over his standing corn.† Do not tell me that £163 11s. 10d. was the damage, when I can positively assert *that there are not* 200 *hares upon his farm, and never have been;* there were more in his predeccssor's time than there are now, and they were much more quiet people to deal with. Then Mr. Lock told the Committee that his son was not at all fond of sporting. I excused the son the second information that was laid against him on the first case for shooting, upon a promise, so I understood, from him that he would never take a gun again into his hand; and the other day he forgot that, and he was taken with a gun in his hand, *shooting at one of my hares*, and fined a penalty of £5.

949. Mr. *Bright.*] You have stated that you are a preserver of game; are you connected with a mercantile or business establishment in this city? Yes.

950. Is it with the firm of Truman, Hanbury, & Company? Yes.

951. Have you lived in the county of Norfolk for some years? Forty-three years.

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* Nothing is more remarkable than the blindness of game preservers to game damages. There will be some curious instances when we come to the farmers' evidence.

† Mr. Lock's stock probably remained in the corn, if they really were there at all, some ten minutes, while Mr. Villebois's stock were running over it *ad libitum* for nearly as many months.

952. Over what breadth of land does your right of shooting extend? 12,000 acres.

953. What portion of that is your own land? About 1200.

954. Does that include the 600 acres which you farm? That includes what I farm; part of it.

955. Are the whole 12,000 together, or in detached pieces? All together.

956. Whose property is it? Sir Hanson Berney's, about 1,000 acres; and Sir Thomas Hare's, about 6,000 acres; and with my own, what I hire myself, it makes it altogether as near as possible 12,000.

957. You have a house at Marham, and you live there regularly? Yes; not regularly; I live in London half the year; I live there all through the shooting time.

958. You stated that there was a good deal of money spread about by the system of game preserving: what may be the annual cost payable to the owners of land for shooting over those 12,000 acres? I pay £200 a year to Sir Hanson Berney, and I pay £200 a year to Sir Thomas Hare. I have paid that to Sir Hanson Berney upwards of 20 years, and for 10 years and odd to Sir Thomas Hare.

959. In all, £400 for the right of shooting? Exactly.

960. What is the number of keepers and assistant keepers and watchers that you employ on the whole of that space? Six.

961. Six men in all? Six keepers and underkeepers.

962. *Chairman.*] That is exclusive of watchers? Yes.

963. Mr. *Bright.*] How many watchers do you employ? Taking the whole 12,000 acres, at about Christmas time and the poaching time of the year, I am forced to put on five or six night watchers.

964. Do you mean to say that those are sufficient? Yes; we are pretty safe in our part of the country.

965. How many men connected with the preservation of game do you employ as keepers and underkeepers? Six as keepers, all the year round; and then this is only a little time that they are at this work.

966. Do you think that you employ on the average eight or nine during the whole year? Six, certainly; and the chances are, seven or eight.

967. What is the greatest number you have out any one night, of watchers of every description? Never above six at night; at times they relieve guard and come out again.

968. You say that they relieve guard; how is that arranged? what time do they go on? That depends upon the head keeper; it is unknown to me.

969. Are your keepers armed? Certainly not.

The tone of Mr. Villebois, when before the Committee, might lead to a suspicion that Mr. Lock and the other tenants must have found it rather difficult not to differ from him.

986. Mr. *Bright.*] You have admitted that you were at the sessions on the day that Mr. Lock's son was convicted? Certainly.

987. And that you were on the bench when the case came on? I was.

988. Do you recollect whether Mr. Lock defended his son on that occasion? To be sure he did, and I thought defended *him rather too much, and was what we should call bumptious.*

989. But you admit that a parent might be a little earnest in the defence of his son on such an occasion? He knew that his son had no right to do what he had done, I think.

1013. You have stated that you believe Mr. Lock's charges for damage are all wrong? Certainly; I have no hesitation in saying that.

1014. Do you think that you are a better judge of that than Mr. Lock? I do not know, but when he puts my damage in 1844 at £163 11s. 10d., I do not want to be told who is the best judge.

1015. What should you estimate the amount of damage by game to be? There is nothing upon his farm but hares; there is not a rabbit upon his land.

1016. What should you estimate as the damage done upon his farm? *At a mere nothing; his predecessors never grumbled.*

1017. Do you think that it would be £5, including the damage done by all the game? I should think this year he would thank the game to come and eat the turnips.

1018. Do you think that the damage done by game to his farm amounts to £5 a year? Yes, I should suppose it does.

1019. Do you think that it amounts to £20? I do not know; *I suppose it may for what I know.**

2020. Do you think it amounts to £50? No; I will stop there, certainly.

1021. Are you aware that the valuations that Mr. Lock had made of the damage upon his farm were not made with any reference to this Committee? I know nothing more of it than my spectacles; he never complained.

1022. It being the fact that he had made valuations in the years 1841 and 1842, before this Committee was ever spoken of, do not you suppose that there may be some reliance placed upon a statement so impartially made without any improper object? It is impossible for me to answer that question.

1023. You say that Mr. Lock never made any application to you for compensation? Never.

1024. Who is his landlord? Sir Hanson Berney.

1025. Do you know at all what is the clause in Mr. Lock's agreement with respect to game? Yes, perfectly; *he is bound to preserve the game to the very height; never to touch or destroy a head, and never to touch or destroy any game whatever; all the tenants are very strictly tied up.*

1026. Do you know whether there are clauses which interfere

* Or care apparently.

with the treatment of his stubble, or anything of that kind, by which the preservation of game is intended to be greatly encouraged? No; they leave or mow as they think fit; they are not bound to leave any stubble: our system with us is, that they do mow.

1027. What is your right over that land that Mr. Lock occupies; how far does your right of preserving and killing game extend? I have the whole of the game; *not a gun dare come upon that land without my leave.*

1028. To what amount can you preserve game upon that land? Any amount whatever; 10,000 *partridges if I like to get them.*

1029. *And as many hares?* Yes; but I should not do it, for fear of injuring the farmers.

1030. You have the right? I have the right of preserving to the utmost.

1031. All kinds of game? All kinds of game.

1032. What right have you with respect to keepers, watchers, and assistants; have you the right to employ as many as you choose? *Yes; a whole regiment of guards if I choose.*

1033. Have all the watchers and keepers and assistants an uncontrolled right to pass to and fro over all parts of the farms at any hour of the day or night that they please? Certainly.

1034. To cross fences or to cross fields? Not to do mischief; they go from this field to that, through gates and *gaps.**

1035. Not doing more mischief than is necessary in the fulfilment of their duty? Certainly, I should be sorry to hear that they did; it would be quite contrary to my orders.

1036. Do you know that they are in the habit of destroying cats or dogs upon the farm, which they think will injure the game? *We set traps for vermin.*

1037. Do you set traps for dogs? *We set traps: we cannot tell who get into them; a man may get into them if he likes.*

1039. Do you know that the keepers ever shoot dogs or cats? I dare say they do, but they never show them to me.

1040. You stated that Mr. Lock never made any application to you for compensation; do you suppose that he has any right to demand compensation of you? No.

1041. You stated that you had shot over the farm of Mr. Lock for a great many years? I should say 20 years.

1042. Not more than 20? I will not say to a year or two.

1043. And you shot over that land during the tenure of three farmers before Mr. Lock? Yes, and much better fellows than Mr. Lock.

1044. Do you recollect whether you have shot over that land during the tenure of more than three farmers, predecessors of Mr. Lock? I do not know.

1045. Could you give the names of the three? No.

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* Who make the gaps?

1046. You are sure you shot over it during the tenure of three before Mr. Lock? Yes; there are the leases to prove it.

1047. Are you sure that there were not more than three? I do not think it is of much importance; *it is Sir Hanson Berney's land, and whether it was Jack or Tom who occupied it does not much signify.*

1048. You state that they were much better fellows than Mr. Lock; what do you mean by that? They were much more easy in their manners, easy in their way of talking to you, and better in every way.

1049. More accommodating; *any touching their hats? More accommodating in every way.*

1050. They did not complain of the game? No, and there was more game then.

1051. What were the circumstances under which they left? The lease of one was out, and he went somewhere else; *and the other failed; I do not know where he is.*

1052. There was more game preserved then than there has been since Mr. Lock has been there? Yes, I should say there was.

1053. One did not renew his lease, and the other two failed? Not two; but one went as a steward to the North.

1054. Then the facts of the case are these: there was more game before Mr. Lock was there; and of his three predecessors, one would not renew his lease and went to another place, another failed, and another became steward? I believe so; *but I do not trouble myself with the tenants after they leave the farm.*

1055. Has it ever struck you, that keeping such an enormous quantity of game upon that land may have had some effect in making one man unwilling to renew his lease, and causing another to fail, and causing another to lose his capital, and, instead of continuing a farmer, becoming a steward? It had nothing to do with the game at all, certainly not.

1056. Then you do not think your keeping all this game has had any prejudicial effect upon Mr. Lock or his predecessors? Upon my word, I should not say it has upon his predecessors; this man has been averse to the thing, but his predecessors were favourable to it.

1057. But do you think that the preservation of all this game has been prejudicial to Mr. Lock or his predecessors? I say it has, not been prejudicial.

The cool indifference to the rights and feelings of the tenants exhibited in the above examination, certainly exceeds anything of the kind which has been openly expressed; if others have felt in the same way, they have had more discretion than to express it. The home question of, How would you like it? seems to have penetrated even Mr. Villebois's indifference.

1097. Mr. *Bright.*] You said that Mr. Lock's predecessors were more quiet than Mr. Lock? Yes.

1098. Do you think the farmers were in former times more satisfied with the system of game preserving than they are now? Yes, I think so; *I think they were not so bumptious as they are now.*

1099. What do you think that arises from? I cannot tell you.

1100. Does it arise from there being more game? I cannot tell you at all.

1101. Do you think it arises from the farmers being more independent? I cannot answer that question; *I think they are more bumptious.*

1102. You state that they are more bumptious now than they were 12 years ago? Yes.

1103. Is it your opinion that the preservation of game is on the whole (its advantages or disadvantages in other respects being left out of the question) advantageous to agriculture, or rather prejudicial to it? I do not think that it does mischief in any way whatever; *it is neither prejudicial nor beneficial.*

1104. If you had a farm, and you had to pay a good rent for it, to get your living out of it, to maintain a large family, and to struggle on in life, would you prefer that farm with a large quantity of game upon it, hares, rabbits, pheasants, and partridges, or would you think yourself more likely to be successful in your occupation if it was entirely free of game? *I should not perhaps exactly run my head into a farm of 600 or 1200 acres, knowing that it was to be well stocked with game;* but I should not think it likely to do me any mischief if it was *moderately* stocked with game. I should not refuse to take the farm on that account, not in the least. Here is a proof: Sir Thomas Hare's leases are out next Michaelmas, and every tenant has thanked him for permitting them to go back again, and every one has renewed his lease.

1123. *Chairman.*] But if there was no preservation of game, would you continue to live there? It would make a considerable difference to me. I live there for the sake of the sporting; no question about it; and if all this game was to be done away with, and no hares or rabbits were left in the whole place, I do not know whether I should do so; I am not going to say that it would drive me clear away, but it would prevent my spending a vast deal of money there.

1124. You farm considerably there? Yes; I paid during last winter, till last week, upwards of £40 a week for labour, but then I have been planting a good deal. I put every fellow on in the whole parish, at 10s. a week and 9s. a week; I have been paying that up to this time. Perhaps it would be as well for me to tell you that Sir Hanson Berney called upon me one day, and he said, "Would you like to continue the right of shooting over my property?" I said, "By all manner of means." "*Because,*" he said, "*no power on earth shall make me give permission to my tenants to shoot anything;* therefore if you do not like to have the manor I shall take it myself," and I said, "Very well, I will agree to go on," and he let me go on.

1129. Mr. *Bright.*] Can you give any explanation of the reason why a gentleman like Sir Hanson Berney should persist in not allowing any one of his tenants to kill anything upon his estate? Because I do not think, myself, that one ought to give the tenants the right of shooting. *If I had, myself,* 100,000 *acres of land, no tenant of mine should ever take a gun to shoot over them.*

1130. On what principle? That is my way of thinking; I would not do it.

1131. Upon what principle would you think it proper to justify that refusal? Because I have no idea of putting them in that situation; they have quite enough to do in attending to their farms, without taking guns and walking about all day.

1132. Their business is to attend to their farms? Their business is to attend to their farms.

1133. And not to enjoy sporting? I do not see that they ought.

1134. Mr. *Bankes.*] Is it the custom in Norfolk to allow tenants to course? Latterly it has been. I should let my own tenants course, if I had a hundred tenants, and welcome, but I would not let them shoot.

1135. Do you think that there is a distinction fairly to be drawn between coursing and shooting? Yes; a farmer may go on his farm and course, I mean on his hobby, and he may take a brace of dogs with him; it is not like a man who is out all day, and who cannot attend to his farm at all.

1136. Perhaps you think that the occupation of coursing will even more promote the health of those who pursue it than the pursuit of game would do? I do not know anything about that.

1137. But it is a sufficient portion of diversion for the tenant, without his having the liberty also to shoot? Certainly.

1138. Is it also your opinion that by giving liberty to the tenants to fire guns the difficulty of detecting poachers is increased, because the gamekeeper hearing a gun upon the estate may have the excuse given to him that it was the gun of the tenant, when perhaps it may have been the gun of the poacher? Yes; I object to the tenant being permitted to shoot in any way, for various reasons.*

1143. Mr. *Trelawny.*] You stated that upon no occasion the hares had done damage, in your opinion, equal to £20 a year; did you ever hear of compensation being given for damage done by hares? No, I do not know of any case. If the tenants make complaint of the hares, it does not come to me, it goes to the landlord; he does not tell me, and therefore I know as little as you do.

1144. But you have an estate of your own? Yes, and my man does not complain; I never heard him complain, and there are plenty of hares there; it is our coursing ground.

1145. Do you apprehend that the tenants, when they come to bid for a farm, usually take into consideration the amount of game

* Pretty well for a brewer. The reader will perceive how feudal ideas are transferred to gentlemen connected with land who have not received them by descent.

upon that farm before they make their bidding? I do not know how I can answer that. *If a man is a single man, he does not care so much about the game; but if he has a wife and five or six children, he may say, "I do not know what to do about taking this farm, there is so much game." I cannot cleverly answer that;* I have not much property in Norfolk.

The last answer is decisive evidence against game from an unwilling, nay, almost unconscious witness.

Mr. W. H. Blatch, a farmer and labourer in Hampshire, gives the following instance of the anxiety on the part of farmers to relieve themselves from the discomfort of a game renter, though they could not accomplish that object.

4535. Mr. *Bright.*] Do you know of any case in which the farmers have agreed to rent the game rather than it should be let with the mansion to somebody else? Yes, I do.

4536. What case was that? That was the case of Mr. Brown, a tenant of Lord Portsmouth. A twelvemonth ago a number of his tenants offered to take the manor of Farleigh Wallop and divide it between them.

4537. Was it supposed that Lord Portsmouth was going to let it to somebody else? Yes, it was at the time that the late occupier of the manor was about to leave, a Mr. Smith.

4538. Then, did the farmers suppose that the mansion-house and the shooting on the manor were about to be let to somebody else? Yes.

4539. Did they offer an equal rent to that which it was supposed the party going to take it was offering? *They offered the same rent for it which Mr. Smith gave before, which was considered a fair rent.*

4540. Did they include in that any rent for the house, or did they propose anything with respect to the mansion? They proposed that the mansion should be kept aired and in proper order, and that they would dispose of the shooting between them; some eight or ten of them. They proposed to take it in equal proportions, and to give the full rent for the manor, and the house and garden, and everything belonging to it.

4541. Is it your opinion that they considered that that would be better for them than allowing it to be let to another party, even though that party came to the house and kept up a large establishment there? Most decidedly; it was a suggestion first thrown out by myself to protect them.

With a few passages from the evidence of poulterers and game salesmen, to show the enormous extent to which these creatures are preserved in different parts of the country, the reader will have a tolerably complete view of the general character of the game laws. Mr. William Stevens, a retired

game salesman, was called by Mr. G. Berkeley, as to some point in connexion with the sale of game before and since the Act of 1 & 2 Wm. 4, which rendered game legally saleable.

5022. Mr. *G. Berkeley.*] Do you think the law is sufficiently restrictive as regards the sale of game? Certainly not; I have always said, from the first time the present Act came into operation, that it was impossible for the Legislature to devise a measure to afford more facilities for the illegal traffic than the present law.

5023. Does the present law permit the poacher, the thief, and the illegal trafficker in game to undersell the licensed and honestly inclined game dealer? Of course it does.

5024. Do not its lax provisions, by enabling the contraband trade in game to be so easily carried on, defeat the ends of justice? Of course they do; there is no question upon that point. May I state to the Committee what did occur at the passing of this bill? Mr. Bright, in his opening speech in the House, read some of the evidence given by game salesmen previous to the passing of the present law. I cannot say but I felt uncommonly vexed when I read that, because it would be inferred from that, that there was no nobleman or gentleman that introduced a measure into either House, but what consulted practical men. When I first gave my evidence before a Committee of the House of Commons, when the present Marquis of Salisbury, then Lord Cranborne, was chairman, his lordship requested me to give in a statement of the number of game I sold. That I could easily do, because all my goods being sold on commission I was obliged to keep an account of every article sold. *That account amounted to 22,000 head of game; I did not include rabbits.* His lordship afterwards told me that that account was disbelieved by Lord Eldon and the present Duke of Wellington. When the late Lord Wharncliffe introduced a bill, his lordship requested me to see the Committee. His lordship had given a qualification, limiting the licence to housekeepers only. That would have defeated the object of the bill, because most of the dealers in game in Leadenhall and Newgate markets only have stalls, and they reside three or four miles distance, as I did. I told his lordship of this circumstance, and as the House of Commons had not the power of examining witnesses upon oath, and the House of Lords had, I said I should be much obliged if he would call a Committee; he did so. I was examined before the Committee, and they desired me to furnish an account of all I sold. And looking back to the evidence given before that Committee, you will find that one of my clerks appeared before the Committee, *and handed in an account to the amount of nearly* 19,000, and I was order to go and distinguish the amount of game which came from persons who had it in their own right; *I did so, and it amounted to between eighteen and nineteen hundred only.* But the present bill was introduced by Lord Althorp without consulting any person; and the moment that bill appeared I was

written to after the bill had passed, by a person who consigned to me an immense number of partridges from the city of York. The late Lord Wharncliffe knew him. He questioned me whether I intended to receive his game as usual. I said, "Certainly not." He then pointed out to me the clause that gives power to persons taking out a shooting licence to sell game. I saw at once then that if this man took out a shooting licence, let him get his game from whatever source he might, there was no inquiry to be made; it was only for me to find that he had a shooting licence, and I could legally receive his game.

After the bill legalizing the sale of game had passed, the game salesmen endeavoured to come to a resolution to take game only from persons legally entitled to it; but all would not agree, and therefore the attempt came to nothing.

The following passages not only show the extent of the traffic in game, but the utter impossibility of subjecting it to any peculiar restrictions.

5032. Is it not a notorious fact, that poachers or thieves of game will bring their stolen property into towns and villages to the rural dealers by higglers' carts, by market carts of all descriptions, putting it up in carts of every kind, from the farmer's hay-cart to the donkey-cart, and thence find opportunities of getting it to some game dealer or poulterer who will purchase it of them at so low a price as to leave the country dealer a considerable profit? I consider that the way in which the poachers chiefly get rid of their game is to the licensed dealers in the country. How they proceed now I cannot exactly say, but I have no doubt that they act the same now as they did before the present law. For instance, at Bury market, on the market-day, the poacher would meet a man who had been accustomed to purchase his game at a public-house, and he would tell him what game he had; the price had been previously fixed upon, according to an understanding, "I will give you so much this season for your pheasants, and for your hares, and for your birds." But how they proceed now, I cannot tell, except from what I know of my own experience, till within these five years, and what I have heard by conversation with my nephew, who succeeded me in the trade. The chief part of the game is sold to the licensed dealers in the country; it is not immediately sent to London.

5033. Do you think that when the poacher or the thief of game brings his game to the country dealer, it is in the power of the country dealer to get it at a very inferior price, because the poacher wishes to take the first offer that enables him to get rid of it? The poacher cannot expose his game, and therefore he is obliged to submit to the price that the person fixes upon it to whom he sells it; and so he did previously to the passing of the present Act.

5037. It has been stated by a witness, a game salesman in Leadenhall Market, a Mr. George Brookes, that 100,000 dozen of game eggs have been brought to London in one season; do you believe this? I should doubt its being correct; and another thing, I think it is impossible to for any man to make an exact calculation; it is an enormous amount.

5038. Have you ever known a number of these game eggs brought to the salesman by poachers and thieves of game so as to glut his shop with them? They do not bring them directly themselves; at least they did not use to do so. The parties sending them live in the country, and send them up in various packages by carriers, chiefly from persons that they receive game from.

5044. Mr. *G. Berkeley.*] Does the traffic in live game drive the tradesman into this difficulty, that he may have it come alive out of season; and if he has not a ready customer for it, it will die? Of course it will. When I was examined before the Committee called by Lord Wharncliffe, I made some allusion to the trade in live pheasants; I stated that I frequently received orders from gentlemen to supply their manors or preserves with live game, and that there ought to be some provision in the bill to allow gentlemen, after the shooting season had finished, if they chose, to sell live pheasants; but that there was no provision made for it.

5045. If, as you say, the live game may die if he has not a ready customer for it, then, to avoid loss, would not it be necessary for the game salesman either to kill those pheasants or live game out of season for food, or to dispose of them to hawkers? All the live game that comes to market, I have no hesitation in saying, is stolen, the whole of it; I had the Duke of Bedford's game, Lord Stradbroke's game, the Duke of Richmond's game, Lord Darnley's game, and Mr. Whitbread's game, and I never knew one of those gentlemen send me one head of game alive; therefore the whole of the game that comes alive is stolen, and the whole of the eggs.

5047. Mr. *Villiers.*] It is the opinion of the leading salesmen that there should be no hawkers? I think not; I said that it is difficult to know what is to be done about hawking game; they are a necessary nuisance. I do not see what the salesman could do with his stinking bad game. As regards the country hawkers, I always considered it to be a very difficult question; it was a question which occupied my attention at the time when Lord Salisbury and when Mr. Brand, the present Lord Dacre, introduced a measure, and Colonel Wood and Lord Wharncliffe. It was a principal point with us, the question of game being hawked about the streets, and I could not see how you could get rid of hawking game.

5048. Do you mean by "hawker" some person who has not a licence to sell game? Yes.

5049. It is not that you have any objection to a man hawking about the streets, if he has a licence to sell? Certainly.

5050. Your objection about hawking game consists in those men

not having a licence to sell? Not altogether that. ***After the season is over the salesman cannot get rid of his game but to the hawkers.*** Now there used to be at the Auction Mart, for weeks and weeks after the season was over, both for grouse and for partridges, men standing with them in the open street; you would see them daily; whether they do so now or not I cannot tell. Now if those men were not allowed to have game to sell in the streets, the salesman could find no vent, and the consequence would be that the salesman would say, "You must not send it." He would write to his correspondent in Scotland (for that is where the principal part of the game comes from after the season is over), and say, "You must not send it; I cannot sell it."

5079. Mr. *G. Berkeley.* If the right to sell game were taken from the game certificate, which gives the right to kill, and the law was made so as to enforce the taking out of a licence to sell as well as to kill, do you think that would check the poacher whose certificate to kill enables him at present to sell for all the gangs in his vicinity? I will endeavour to confine my observations within a small focus upon that point. I have described the present law as a law to legalise poaching; and why? because it contains a clause which gives the right to dispose of his game to a licenced dealer only, by only taking out a shooting licence. Now that clause was taken advantage of immediately when the season commenced after the passing of the Bill. There are two men in the city of York who consigned to me an immense number of partridges. I had had in one week more than 900 head of partridges from them. One of those men wrote me a letter, to know whether I meant to receive his game as usual. I said, No, certainly not. He then drew my attention to this clause giving him power to dispose of game by merely taking out a shooting licence. There is a distinction between a shooting licence and a licence by a magistrate. A man taking out a licence from a magistrate can sell game to any person that applies to him without asking any question; but a man who takes out a shooting licence is restrained to sell his game to a licensed dealer. When my attention was directed to this clause, I wrote him an answer to say, that whatever I might do, I knew what was the intention of the Legislature; that it was an oversight; and consequently, I would not take his game, and it went to another person. Part of the injurious effect of this Bill was, that under this clause it did not give the power to the magistrate on conviction to give one farthing of the penalty to the informer.

5080. In what case? In any case.

Mr. George Brooke, who is now extensively employed as poultry and game salesman in Leadenhall Market, was examined in June, 1845, by Mr. Bright; and his testimony proves the vast quantities of game sold, and the various moves in the game market.

9809. *Mr. Bright.*] Can you give the Committee any particulars with respect to the extent of your own business in articles of game, either during the present season, or in any particular season? When I received the summons of the Committee I ordered my clerk yesterday to take out what I have received of hares, partridges, pheasants, and rabbits, during the months of September, October, November, December, January, and February, and there were a few in March, hares more particularly. I told him not to be particular with regard to one or two head, as it was a long account. *The aggregate quantity he has given to me is* 163,900 *head in those six months of the last year.*

9810. Is that of every kind of game? Hares, birds, pheasants, and rabbits. I might say 164,000, for afterwards he told me he had left out a few; but I did not alter the paper.

9811. Have you any account as to the particulars of which they consisted; how many were winged game, and how many were four-footed game? Thirty-one thousand nine hundred were hares, 15,300 were partridges, 8,700 were pheasants, and 108,000 were rabbits.

9812. From what parts of the kingdom do they come principally? Principally from Norfolk and Suffolk.

9824. Do you make it a rule not to purchase from men whom you suppose to have obtained game illegally, or who have no licence to sell? I do not purchase game at all, I only sell it upon commission; I have been in business for myself four years. Previously to that I was in partnership with my brother, and when I became by myself I determined that all the game I had received from unlicensed dealers I would discontinue, which I have done, save and except that there may be instances where perhaps a man may occasionally have a little game who is perhaps a poulterer, or a little farmer, who may be sending up butter, and in that case I do not make any objection to receive it; but when I have thought it was poached game I have refused to take it a second time. I have never sent it back, but I have told them that I would not receive it any more; and I believe that most other salesmen of any importance have acted upon the same principle.

9825. Can you state what are about the prices which game has been selling at during the last season; hares, for instance? A great glut of hares came in November, and then we sold at 6d., 9d., 1s., 1s. 6d., or 2s., according to the supply and demand. At certain times in September and October, hares did not come in great plenty, and when they came fresh they were made money of; but in November the glut came in very great, and last year especially, I often had a thousand a day, and was obliged to get rid of them in the best manner I could at the next sale.

9831. Is there a difference between the value of game that is shot and that which is poached; is that which is poached more or less valuable than that which is poached? *Poached game is more valuable than shot game.*

9832. On what account? It is cleaner.

9833. Is that because there is no wound? Yes; it is caught better, and taken more care of.

9835. Have you formed any opinion as to the quantity of poached game which is sold in Leadenhall Market, compared with the game that is obtained by legal means? It would not be possible to tell that. We do know that there is a great deal poached, and for this reason, that at certain times of the year gentlemen allow their hares to be netted, and then we know that they generally run alike, that there is not much difference. We can tell when hares are sold whether they come from different places. Some hares belonging to a certain estate will run a certain size, and some hares will have a certain fatness about them; but when they come up one caught here and another caught there, there is a muddling appearance about them. I know that some gentlemen allow their licensed dealers to have their game netted, and by that means of course it comes clean, and is of great advantage to the dealer.*

9839. Then, although you believe that more game comes to market now that is obtained legally than there comes that is obtained by poaching, yet the Committee are to understand that you are of opinion that the quantity of poached game has not diminished? I think that is the case: I do not think that the quantity of poached game that comes to London is less than it used to be. I am a Norfolk man, and very frequently go into the country, and therefore I have an opportunity of speaking to men who send game to London, and by that means I know what goes on. In several towns in Suffolk, game is bought of poachers; and there it may be said to be bought legally, although it is poached. A man will take out a shooting licence, and he patronizes a number of poachers; he gets the game into his possession, and when he gets it into his possession there is no power to punish him, and by that means the game is sold from him to a licensed dealer. There are many of those men in different parts of England, perhaps one or two in every town, men who take out a licence, and then receive the game from the poachers, making a trade of it, and then sell it to the dealers.

9845. Can you give the Committee any information as to the amount which you have paid for game in any given time? The best calculation that I could make was this: I put all the rabbits, hares, and pheasants, at 15d. each on the average, as there are so many rabbits over and above every other kind of game; and a great many of them being warren rabbits coming at a low price, I thought that that was the safest calculation I could make: and I find it comes to upwards of £10,000, that I paid in the last six months, and my business has increased a little in game during the last year or two; but when my brother and myself were together, we had a greater quantity than that, but he is now in Leadenhall Market. I have put down what I thought was the quantity he sells, to make up the aggregate quantity according to the best calculation that I

* This, like all the rest of the evidence, goes to show that where game is kept at all it should be kept and killed as an artificial product, as stock.

could make; but I calculate that my own game has come to £10,000 the last six months. I should think the last two years it was not so much by £2,000 the year before, and perhaps not so much by £3,000 the year before that. Our books, of course, are kept in a rough manner. I told my clerk to go through it in the best manner he could, to calculate the amount; and he has drawn out this, which I think may be rather under than over.

9851. Is there much business done in Leadenhall market in live game? Not so much in live game as there was three or four years ago, but there is a great deal done, and as much I should think at Newgate market.

9852. Can you state how it is done, for what object it is done, and by whom it is done? Live game is poached, and comes up to London, and it comes for the purpose of supplying gentlemen's manors. Live game during these last few years has found a different channel to Leadenhall market in many cases; namely, through persons who regularly trade in live fowls and live game, and of course preserve it for the purpose of supplying it.

And much as game preservers desire stringent laws to prevent poaching, they have little scruple in buying live game, which is generally poached, for increasing the stock of their preserves.

9858. Are you of opinion that, as a general rule, or almost a universal rule, the live game which comes to London for sale is poached? I am afraid that there is hardly any exception. The exception may be this, that I have known game dealers make an appeal to the gentlemen of whom they have bought their game during the season, through the steward or keeper, to allow them to have perhaps 100 hares or 100 pheasants caught just the last day, or the day after the season. I have known that to be the case; in some cases that has been allowed.

9859. On what ground? I remember a case, I think, more than once, but I would rather confine myself to what I know. Lord ——, I have heard, allowed it in the case of a man of the name of Sutton. He made an appeal to Lord ——, and I think he had permission to do so. I think it was live pheasants and live hares; I have known it with live birds, but that is very rare.

9860. For what purpose do you believe that this live game is bought? For the purpose of stocking gentlemen's preserves.

9861. Is it sent into the country? Yes.

9862. Do you know whether it ever comes from a given district, and goes back again to the very same district? I remember to have heard of an instance once, where a quantity of game was taken from Norfolk; the gentleman came to London, or his keeper, or he sent to London. Some live game were bought in Leadenhall Market, and taken down, and a place was built, a cowshed, to put the game in, to settle them a little before they were turned out. Then they were turned out, and in a day or two they were all taken and came to London, and they were sold to go into Norfolk again,

to a gentleman's estate close by; two or three nights afterwards they were taken, and came to London again. That I have heard, and I believe it to be a fact.

9864. Mr. *Bright.*] Do you know what number there were of those pheasants? I think between 20 and 30; they were all hen pheasants; hen pheasants are chiefly what are wanted.

9865. At that time of year? Yes, early in the spring, before the breeding time.

9866. Do you know how those poachers managed to get clear off night after night with those pheasants? It is always a wonder to me how it is that it is done. I have frequently asked game dealers, some of whom are more communicative than others, how it is, and they have told me that it is because they are acquainted with the peculiar movements of the keeper; they track him, and by those means evade his watch, and they are very clever in catching them.

9867. Do you think there is any connivance between the keepers and the poachers? I have always understood that some keepers are very careful to preserve their masters' game. I have heard it said by men, "Drat the fellow, we never can get a shot from the fear of his being upon us, night or day; and therefore we dare not go near." But other men are perhaps a little more inattentive. *It is often a wonder to me, coming from a county that is so well watched as Norfolk is, and knowing the amazing amount of authority there is striving to protect it, how it is that they do get it.*

9881. Besides, live game being sold in your market and other markets, is there a considerable business in game eggs? You cannot call it a business, but they do come to Leadenhall Market and to other markets, but the salesmen generally refuse to take them in; and then there are a great many of them bought by persons who get their living solely by means of supplying eggs at this time of the year.

9882. Do you believe that those eggs are obtained legitimately, or that they are poached? I should conceive all poached.

9883. From what part of the country do they come? All parts.

9884. Do many come from Norfolk and Suffolk? More from Suffolk than from any other county.

9885. Do you allude now to pheasants' eggs, or to both pheasants' and partridges'? There is a much greater number of partridges' eggs come than pheasants'.

9886. What is the average price of eggs? It all depends upon the season, the supply and demand; I have sold pheasants' eggs at 12s. a dozen, and at 6s. a dozen; at times they are worth nothing.

9887. How much partridges' eggs? About 1s. a dozen up to 3s.

9888. Can you give the Committee any account of the quantities of those things? There are very great quantities; but coming in a quiet manner, I am not able to make any positive calculation.

9889. Cannot you tell how many dozen of eggs you or any other game salesman has had in any given time? I have not taken any

notice of it. Four or five years ago there was a great quantity; I calculate about 60,000 to 100,000 dozen of eggs altogether.

9890. Sold by whom? They are sold by middle men; they are brought up by waggoners; persons who travel by waggon.

9902. Do landed proprietors, preservers of game, buy these eggs and live game themselves? I have never known that to be done. I have had gentlemen who have written up to me for game; but they have been, not the nobility nor first rate landowners, but gentlemen who have small estates, and wishing to stock their land, have made such applications.

9903. Are the purchases generally managed through the keeper? I should think they are. I believe that by the game laws there is a certain time when live game and eggs may be sold; but we have none of us taken much notice of that.

9904. It is customary for the game salesmen, and all persons connected with the trade, to attend scrupulously to the restrictions of the game laws? Not one man in London, as a game dealer, does attend to them.

9907. Mr. *Bright.*] Do you know whether it is common to supply gentry in London at the west end with game on the opening day; the first day of killing, or the day before, or a few days before? I know that if we have any game just before the season commences, of any kind, there is a great demand for it, and especially by the poulterers in the city and at the west end; and the prices that they are sold at very often induce me to believe that they are sold to gentlemen in London; that it is not made a point of conscience at all.

9908. Of course all the game that is sold on the first day, which is called the opening day, in London, must be game that is killed before the legal time of killing? Yes; I remember something bearing upon that point. There was a poulterer, who lived in the city of London, had two or three very scrupulous customers, and he would get up very early in the morning, and get partridges from Leadenhall Market on the 1st September; he had a long passage into the back of his house, and he would load his pistols and tie them at the farther end and shoot them: that I know to be a fact.

9909. Was that for the purpose of quieting the tender consciences of some of his scrupulous customers? Some gentlemen will not buy poached game, and they know well when it is shot.

9910. From your information and experience are you of opinion that there is, through the different classes of society, a feeling that it is no violation of the moral law to obtain, or to have, or to buy game in such a manner as contravenes the regulations of the game law? One of the strongest facts which I can adduce before the Committee would be this, that it is my belief that a fourth of the game that is sold, is sold to unlicensed dealers, hawkers about London, and that game is sold to the public. The fine is heavy for a man who sells game to an unlicensed dealer, but it is much more heavy upon the man who purchases it; but that practice has

grown up with impunity in London, and I cannot see how it can be dispensed with. I do not believe it is possible, by any punishment, to keep game out of the streets entirely: it was always done under the old system, and it is done now. The hawkers have not the power of getting game when it is dear, but they buy it when it is cheap; and if they did not buy it, the poulterers would not buy it, and it would be thrown away.

9996. Mr. *G. Berkeley.*] Then the discontinuance of dealing in live game arises from the fact of you and other conscientious men wishing to put down poaching entirely? I never used the word of my being a conscientious man; I said that the things which have happened have worked upon my mind. The thing is an evil, and therefore I wish to discontinue it.

9997. But you think conscience has very little to do with it? Perhaps a little conscience and a little something else.

9998. What is the "something else?" Perhaps it is that it is unprofitable.

9999. Then the real cause of the sale of live game having decreased is, because it is unprofitable? I am speaking as far as regards myself; I am much inclined to think that if the profit was very great, as far as regards myself, I should be inclined to put conscience in abeyance.

10000. Do you think that is the general feeling of all game dealers? I could not go so far as to state that; I know that there are salesmen who feel that.

10001. Is it the feeling of the public generally? *I do not think they care a whit about it.*

10002. Do you think that conscience, or a feeling of morality, has much to do with poaching at all? *I do not think it has.*

From the above general evidence about game, it is quite plain, that as cultivation proceeds and improves, game must recede and become extinct, except where it is protected by the same sort of vigilant care by which domestic animals are protected; and there is this greater difficulty in protecting game, that the common sentiment of mankind is adverse to its protection. Moreover, there is a general feeling that the landowner, by keeping his game on the land—and, as will be seen in the next division, usually at the expense of his tenants,—is guilty of an act of great injustice. Nor will any one—not being a game preserver—who has seen the ravages committed by game, and who can appreciate high cultivation, for a moment doubt that the existence of game is inconsistent with profitable farming.

CHAPTER II

THE DESTRUCTION OF AGRICULTURAL PRODUCE, AND IMPEDIMENTS TO IMPROVED HUSBANDRY OCCASIONED BY GAME.

The evidence offered to the Committee upon this part of the subject was so full, precise, and decisive, and was given by so many farmers and land agents of the greatest intelligence and respectability, that the game preservers made not the slightest attempt to meet it. Their efforts were confined to attempts to throw doubts upon the credibility or accuracy of a few individual witnesses, to question a very few particular instances of injury, and to sneer down, by imputations of unavowed motives, men whose testimony could not but have been felt to have sealed the fate of the game system. A more important collection of economical facts affecting husbandry, than the extracts from the evidence of practical men which are found under this head, has never been laid before the agricultural community. And if the tenant-farmers, armed with this evidence, do not at the next election bring it to bear upon county members with such effect as to render the repeal of the game laws an act of immediate necessity on the part of the new parliament, they will neglect an opportunity of relieving their business from a burden daily becoming more and more intolerable.

A Committee of the House of Lords has lately been taking evidence on the burdens on land, and has reported that certain of the local taxes press hardly upon the owners or occupiers of land. That may be so, or it may not; but here we have it on most unanswerable and unanswered testimony, that the loss the occupier of a farm, on which game is preserved, sustains from its depredations, greatly exceeds the poor rate, county rate, highway rate, and tenants' income tax together. And beyond this money burden, there are moral and social evils resulting from game preserving, which alone ought, and finally will induce legislature to adopt a prompt remedy. I propose to confine

this division to the pecuniary and material losses of the farmer as much as I can, leaving the social evils of game preserving to my two next divisions, but in the course of examination the two are often so intermixed as not to be capable of convenient separation. In such cases I shall extract complete passages under that head to which they most naturally belong.

The first witness examined (16 April, 1845) was *Mr. William Bates*, now occupying two considerable farms near Hitchin, in Hertfordshire—a county much infested with game—who had been a severe sufferer from game upon Luton Park Farm, in Bedfordshire, then the property of the Marquis of Bute. The witnesses, who, as farmers had suffered from game, were generally of two classes; those who had taken land on estates known to be preserved, and those who had entered upon the farm when there was little or no game, but which from change of inclination on the part of the landlord, or from change of ownership had become game farms. Mr. Bates belonged to the latter class, for the game at the time of his entry was not abundant, but he committed for the farmer that most fatal mistake of permitting the game to be reserved to the landlord. The farmer who has submitted to that reservation, whatever may be the length of his lease, or the fairness of its provisions in other respects, stands in a position of imminent peril, and can never expend his capital with safety. The reader will find in Mr. Bright's draft report a summary of the damages spoken to by the various farmers and land-agents who were examined, and I have, therefore, not extracted in detail evidence which gave such particulars, except where the statements contained matters otherwise remarkable. Nor do game preservers affect to deny the enormous amount of damage done by game. How many farmers are there in the situation of Mr. Bates, who cannot relieve themselves so well as he had the good fortune to do!

3. Mr. *Bright.*] Have you had opportunities of observing the working of the game laws, and of game preserving generally? I have.

4. In what districts? Where I was a sufferer was in the county of Bedford; it was at Luton Park Farm; that is just adjoining Hertfordshire.

8. Will you state to the Committee any circumstance which occured with respect to the question of game when you entered upon

that farm? I was first in the occupation of a much smaller farm, a farm of 300 acres; that was Lilly Hoo Farm. I left that in consequence of wishing to have a larger occupation; my family began to increase; a larger occupation of this Luton Farm offered at the time. *I fancied at the time when I took the farm, and I had always heard it said, that to hold a farm under a nobleman was a very good thing, when you can get it; that it was almost as good as a fortune* to get a good-sized farm under a nobleman.*

9. Whom did you see, the landlord or the agent, when you took the farm? I first saw the agent, and then his Lordship wished to have a private interview with the tenant himself. He asked me if I had looked over the farm. I told his Lordship I had, and what I thought of it, and I said the farm is a large farm, and it was rather a large business for myself as a young man, *but so much depended upon whether game would be preserved upon it or not, as to the value of it, and what rent I could pay.* His Lordship assured me that he had no wish to preserve game, inasmuch as that his defect of eyesight prevented his enjoyment of field sports, *and he referred me to his tenantry for my satisfaction.* I was aware that he did not preserve game, because I had friends of mine living under him, and I applied to them. They said there was nothing to apprehend about game, consequently I made him an offer for the farm, *which I considered an outside price for that farm.*†

10. You found that he did not then preserve game? *There was no game upon the estate.*

11. You understood that he was not intending to preserve game, and you took it with that understanding? Yes.

12. How long did this go on? I took the farm upon an agreement for 14 years' lease; the lease was not made, but the agreement for a lease was signed. But when I had been there about a year and a half, it was said that the Duke of Wellington came down on a visit, and he admired the situation very much for game, *and inquired whether it was preserved or not.* Then it was I was told by different people that game was begun to be preserved. *Keepers were put on, and game was preserved to a considerable extent. One man, who is one of the most notorious poachers in that neighbourhood, was made a sort of helper, and the game was got up to an extent beyond anything that I ever saw in my life, as to the increase within a certain time.*

13. How was it got up? because game, by its natural increase could not in the course of a year or two become so numerous as to do so much damage? I cannot exactly tell how it occurred, but I was told that game was brought from other estates to that; whether that was the case I am not prepared to prove. *I was told that by men that were put on there.* But where there is a large quantity

* Fortunes held at the caprice of another are but fairy gifts, they vanish ere realized.

† It will be found that the eight and ten per cent. reduction on account of game, of which something has been said by preservers, if it exists at all beyond the imagination of particular preservers, is the exception.

of woods situated as those are, and they are well looked after, it is astonishing how quickly they get a head of game, where there are a quantity of hens kept, and they are well looked after.

19. Have you any estimate of the amount of damage which was done on your farm? I have, because it was looked over by two arbitrators.

20. By whom appointed? One appointed on my behalf, and one on behalf of the Marquis of Bute.

21. Will you give the Committee such particulars as you can of the circumstances connected with that award, and the amount of it? *The award was made upon about* 30 *or* 35 *acres of land.*

22. Arable land or grass? Arable land. No award was made upon any of the grass land.

23. What was the award? The award was £150 8s. 8d.

29. Was there any further award for any other damage in the same year? In the year before they allowed me £39 12s. 2d., making altogether £158 8s. 8d.

30. In the first year, when that award was made, it was £39 12s. 2d., and in the second year it was £118 16s. 8d.; then it appears that the damage was increasing in those two years? Yes.

31. This was the circumstance that led to your determining to give up the farm? It was.

32. Do you suppose that that award includes the whole of the damage upon your farm by game? By no means.

33. That takes only 30 acres of wheat land? Yes; there was no award upon the sward land.

34. Have you observed upon your own farm that other kinds of produce besides wheat is damaged by game? Yes; all kinds of produce is damaged.

35. Had you turnips? Turnips are very materially damaged: quite as much so as any other crop.

36. But that award had no reference to the damage upon any other part of the farm than the 30 acres of wheat land? Only the wheat. At the time the award was made the turnips were not to be seen; they had been eaten off by the sheep, and the land was then under crop for barley.

39. In what way did you succeed in escaping from the farm, notwithstanding you had an agreement for a lease? The agreement was signed, but the lease was not signed; but there were two rights of way through two different woods, leading from the sward land to the arable land, one of which was a 30 acre field; there was a way of about 150 yards through the wood, and you could only get from the sward to the arable land by that way, and that right of way was taken away by the Marquis; the gates were locked.

40. Do you know the object of stopping up those rights of way? *It was that the game should not be disturbed.*

41. Did you consider the stopping up of those ways an infraction of your agreement with the Marquis? I did; because it was not possible for me to get to that field without being obliged to *drive my sheep three-quarters of a mile round.*

43. Some farmers say that so many hares are equal to a sheep, or that they would as soon keep so many sheep as so many hares; have you ever entered into that calculation? Hares do an immensity of damage. If I had a farm of 300 acres, and it was to be inclosed, *I would as soon keep one sheep as I would two hares.*

50. Do you consider that the rigid preservation of game tends permanently to lower the fertility of the soil by lessening the number of sheep and of cattle upon it? You cannot grow so great a quantity. The fact is, that if you are keeping stock where hares are kept, they are not only very injurious to the turnips, but you cannot grow tares, which are the next crop for green food. Hares are very bad amongst the tares; *when the tares are bitten once in a green state, they seldom come to perfection.*

51. Is it your opinion that land is generally let to the farmers at a lower rent on account of the preservation of game? No; in all the farms that I have taken I have always been given to understand that there was no intention of preserving game.

52. Is it your opinion that it is generally understood that farmers have their lands let below the market price, to compensate them for the game that is kept upon the farm? I do not think so.

53. Do you believe that farmers generally, even in cases where compensation is agreed upon, receive adequate compensation for the damage done by game? Never; *I never knew an instance. I do not think it possible.*

54. Do you think it is possible for any valuer, however honest, to come to anything like an accurate determination of the amount of damage? I think it quite impossible.

83. Mr. *Bright.*] Have you made any comparison of the amount of the local taxation upon that farm which you occupied at Luton? Yes, I have.

84. What rent did you pay for it? £800 a year.

85. What was the amount of your local taxation, consisting of poor's-rate, county-rate, highway-rate, and church-rate? I think the whole amounted to something like £110.

86. Do you consider that the damage you sustained in the year 1834 by game was equal to the amount of your local taxation? Yes, and a great deal more; I consider that the game put upon the land was equal to an additional rent of £200 a year.

87. Do you say that you would as soon have paid £1000 a year without game as £800 with it? *I would rather if I had had to choose.*

112. Mr. *G. Berkeley.*] Do you conceive that a hare does as much damage as a rabbit? I consider that the hares do most damage of the two; they do not do it just at one spot, but they go further about to do damage. For a field of Swede turnips they will go a mile, whereas a rabbit will not go so far. I should say that one hare would do more damage than one rabbit.

113. Do you consider that the keeping up a large head of hares would do more injury to the tenant than keeping up a large head of rabbits? I should say that it would spread more over the whole extent of the land.

114. Which would you sooner do; would you sooner rent a farm under a landlord who preserved nothing but a large head of rabbits, or under one who preserved nothing but a large head of hares? *I should not like either.*

115. Which would you sooner rent under? *I would not rent under either of them.**

The tenant farmer witnesses first examined were subjected to a cross-examination by the game preservers, which, I happen to know, some of them felt to be offensive and unfair; but, as is usually the case when witnesses are speaking of what they know and understand, that line of examination only brought out the facts more strongly. So it was on the game committee.

162. Mr. *G. Berkeley.*] Supposing you were to pen half the number of sheep upon the spot of land where you saw those hares come and sit in the summer evening, would any crop of any sort arise upon that land where you so penned the sheep; would not the sheep graze it off as close as possible? Yes, and so would the hares.

163. As close as the sheep? They would not eat quite so much.

164. Would they tread it down, and entirely destroy the vegetation as much as the sheep would? I am not saying that two hares eat as much as one sheep: I say that two hares do as much damage as one sheep. *I would as lief keep a sheep as keep two hares throughout the year, allowing them to run and pick their food where they think proper, when they have got a piece of Swede turnips.* Suppose a hare taps four turnips, and eats a hole in the turnips, the next thing will be that the crows will get their beaks into the rind of the turnip, and then it holds the water, and the consequence is that the turnip decays.

201. Referring to the terms of the first offer which you made for the farm under Lord Bute, which was £1 an acre, supposing the whole of the game had been destroyed that you found upon that farm, should you have been inclined to have increased that offer? Yes, I would.

202. To what amount would you have increased it? I would have given £50 a year more that there should not be a head of game at all upon it.

203. You stated £200 difference just now; you said that the farm would have been £200 better if there had been no game? I spoke of the quantity of game that was put upon it afterwards, that it was as bad as an additional rent of £200 a year.

204. You would have been prepared to have given £200 a year more if the game had been all destroyed? No, I could not afford

* Mr. Berkeley does not seem to have been a very adroit examiner, as he frequently brought down such a clenching statement as that here reiterated. It must however be admitted that he had a wretched case to support.

to give £200 a year more; *that was the reason of my leaving; that the game put upon me was as bad as an increased rent of £200 a year. I found the burthen was too heavy upon me.*

265. That was before the full amount of rent became payable? £50 a year was to be put on after three years, but I did not think of the £50 a year for the moment; the farm suited me very well; I was perfectly satisfied with the farm.

269. Mr. *Burroughes.*] You said that you would as soon keep one sheep as two hares, and you stated that your farm would carry about one sheep per acre? One sheep per acre upon the stock land.

270. You said that the profit you received upon sheep was 20s. a head? That is what I say we calculate upon, what they ought to pay; it depends upon the price of wool, and upon the price of mutton.

271. For what length of time do you mean? Once a twelve-month.

272. If you could have a profit upon keeping hares, would not the profits upon the hares return much more frequently than that upon the sheep? I do not know what the profit might be upon a hare; *but for two hares running about twelve months, and what they would breed, I would as soon keep one sheep as the two hares.*

300. Mr. *Cripps.*] How long before 1833 had you complained at all about the game? It was at the second crop that I first complained about the game; my first crop was in 1832; I made no complaint of the game at my first crop.

301. The first rent that you paid after your second crop would be in 1833; that was the first crop that was damaged by the game? Yes.

302. Did you complain of the damage then? I did, several times during the season, of the corn being damaged in a green state.

303. And that year you got £39 allowed? Yes.

304. Was the crop that was damaged in 1833 damaged by hares and rabbits, or by pheasants? It was done by the game generally; by pheasants partly.

305. Do the pheasants eat green wheat? They pick it off; *they do considerable damage in the wheat.*

306. Do you think that hares or pheasants do the most harm? I should say that the hares do the most harm, in my opinion.

307. You really think they do more harm than pheasants and partridges? Partridges I do not think do much damage.

323. Supposing there were 600 hares killed every year upon this farm, how many sheep do you think you could keep? I could keep some sheep, no doubt.

324. How many? I cannot answer that question.

325. Could you keep a hundred? The hares do not eat all the sheep's food, but they eat the corn.

326. They would destroy the turnips? Yes; but I was looking

at the damage they do in the wheat crops. I do not mean to say that by doubling them they would eat all the sheep's food up, *but they would destroy property to the value of* £300 *a year.*

327. They would do £300 worth of harm? Yes, if there were 600 hares.

328. You believe that 600 hares upon the property would eat up one whole rent? I believe they would do damage to the extent of £300.

329. Was your crop upon your 30 acres of land damaged more or less than the damage upon the land which you valued in conjunction with Mr. Kingsley that you spoke of? Considerably more.

330. As much again? This crop that I went over with Mr. Kingsley is only in a green state at present; mine was just before harvest; there was a great deal more game in proportion to the land.

Lord George Bentinck then tried his hand at mystifying Mr. Bates, and to show that by some methods some parts of the farmer's lands might be protected from game ravages

335. Lord *G. Bentinck.*] You said there was a great quantity of hares upon the farm when you were induced to give it up; how many hares an acre would there be? It is impossible for me to say.

336. Do you think there was one hare upon each acre? I cannot tell exactly, but there was an amazing quantity.

337. Do you think there might have been 800 hares? I should hardly think there were as many as 800 hares.

338. Then you would have been able to keep 400 more sheep than you did keep if there had been no hares? I cannot tell the exact number of hares, but there were a great quantity of hares, besides the rabbits.

339. You said that the last summer, that is, in 1834, you had 1,200 sheep upon the farm? Sheep and lambs.

340. How many had you in 1831? I had not so many.

341. Then in 1831, when there were no hares, you had not so many sheep and lambs as you had in 1834, when there was this immense quantity of game that drove you off the estate? Certainly; but I can account for that.

342. How do you explain your original statement, that you could keep one sheep where there were two hares, when it appears that when there came to be a very large number of hares upon the farm you kept considerably more sheep than you kept when there were no hares at all? I can account for that, inasmuch as the last year I was not allowed to sell hay, the whole being consumed upon the premises, consequently I was feeding the whole 500 acres as grass land, whereas perhaps I should otherwise have shut up and mown 200 acres for a hay crop.

343. You have stated that the principal damage that the hares do is to the turnip crop? They do as much damage upon the turnip crop as upon any other crop.

344. Can the hares do any damage to the turnip crop if the turnips are what is called pitted or ploughed in? I should say not.

345. Does not every good farmer take care to plough in his Swedish turnips, or else to pit them or stack them to protect them against the frost? It is not practised in our neighbourhood; I think I was the only person last year that tried it. The year before last I got up 10 acres of Swedes, and stacked them in the month of November.

346. Is it not as easy to do it in Hertfordshire as in any other county? Yes.

347. Is it not the fact that if the farmer is a good farmer, and provides against the frost by stacking his turnips, the hares cannot touch them? Yes; I stacked 10 acres to take trial, *and at the first trial I made, the turnips decayed.* Those were 10 acres of Swede turnips, got up in the month of November; but I perhaps was ignorant of the best mode of stacking, it not being practised in our county. I put the turnips in a sort of ringe or clump, and after that I put a layer of straw, and then I covered them over with a small coat of leaves to keep them perfectly air-tight.*

348 Would it not employ the labouring population to stack the turnips? It is not practised in our county; those I spoiled in doing it; perhaps it was from want of knowledge.

349. Is there anything to prevent its being practised in your county? Not at all.

350. If they were good farmers they would stack their turnips to protect them from the frost? We have very good farmers, and they do not do it.

351. Would they not do it? Not if they shared the same fate that mine did.

352. Perhaps they are not such bad farmers as you are? Perhaps not; mine were all lost.

353. In consequence of your doing it in an unbusinesslike manner? In too careful a manner. I covered them up with leaves and dirt, and I made them air-tight. They require to have a vent, to let out the steam. I thought the leaves would keep the frost from them. I admit that I did not do it correctly, but I did it to the best of my judgment, not having seen any done before.

357. Do not you know that the wood-pigeons, where they are numerous, do ten times the damage that all the hares and rabbits do together? *No, I do not; I never saw it.*

* The absurd notion that to employ labourers, whether profitably and productively, or otherwise, is *per se*, a good, was repeatedly put forth by the game preservers. According to their reasoning, the landowner who employed men as keepers, who reared game which destroyed untold quantities of food, was conferring a great benefit on the neighbourhood; though twice the number of food-producing labourers might thereby go unemployed. Such are the non-economical promoters of feudalism.

358. Do not you know that by the peck of a wood-pigeon a perpendicular hole is made, in which the water stands, whilst the hare bites the side of the turnip, and the water runs off, and that it is the water that makes the turnip rot? I am not aware that wood-pigeons, with the exception of pecking off the knots, do peck holes in turnips; crows, I am aware, do; they peck off the knots and the turnip tops.

359. When you took possession of Luton Park Farm had you to sell out of the funds in order to stock that farm? I had; I was in the occupation of a much smaller farm at the time, and I gave that up; it was a farm that belonged to my father. I gave it up in consequence of this large farm offering itself, and I removed the stock from off the other farm. I sold out of the funds sufficient to stock it. It cost me something like £6,000 altogether to stock the farm.

360. When you went out of your farm you sold your stock? I did.

361. What did you sell your stock for? Stock sold very dear that season; I was fortunate in selling it.

362. What did you sell your stock for when you went off that farm? I cannot exactly tell; it was between £3,000 and £4,000 the live stock.

363. What did you give the £6,000 for? For the whole expense of getting into the farm.

393. You have told us what you laid out in sheep, in beasts, pigs, horses, ploughs, carts, waggons, seeds, wheat-seed, barley-seed, and oat-seed; can you recollect any other outlay you made upon coming into the farm? There is manure,—artificial manure.

394. How much manure? Taking the dung and the manure together, I should say it would cost £250 to £300.

395. The dung was the dung you found upon the farm? The incoming tenant has to take it at a valuation, generally speaking.

396. Did you purchase any artificial manure? I did; I purchased 12 journeys of soot; that is, 12 waggon loads, which at that time cost about £6 each journey.

397. What else was there? There was artificial food for the sheep, such as beans and dry food.

398. What did you buy? I cannot charge my memory with the amount; perhaps to the amount of £150.

399. What else did you buy? I cannot exactly tell. There are rates and taxes for a year and a half before I got any return.

400. What were the rates and taxes? The rates and taxes would be about £165 for the year and a half.

401. How much the rent? The rent would be £800; that came due at New Michaelmas.

402. When did you come into your farm? I first of all entered upon the fallows at Lady-day, but the rent did not commence till the Michaelmas following. I paid a twelvemonth's rent before I could turn myself round to get any return. You cannot sell before you get a crop to thresh.

403. You had 500 acres of grass: if you came in at Lady-day you got that crop? Not that year; the outgoing tenant was in possession from Lady-day up to Michaelmas; he was in possession of all the land with the exception of the fallows. He yielded up the fallows; that is, about a fourth of the arable land.

404. Who paid the rent the first half-year? The out-going tenant paid the rent up to Michaelmas in full. Then from Michaelmas 1831 to Michaelmas 1832 there is a twelvemonth's rent due. There was time to make £800 to pay the rent with, and a man of capital would rather pay it than make any difficulty about it.

405. You stated that the labour was about £550 for the year? Yes, and there is six months previous for the fallows; I should put that at about £150.

406. That would be £700 for labour. Is there anything else? There are tradesmen's bills for the year and a half.

407. What were the tradesmen's bills? I cannot exactly tell; there is the harness-maker's bill for the harness.

408. Was not that part of the stock which you bought? I took part of it with me; but I considered that before I made any return, it took me capital, including the improvements of the land, to the extent of £6,000. There was £400 or £500 laid out in the shape of manure upon the land.

409. About how much were the tradesmen's bills? I cannot exactly tell; there were harness and repairs, and there is the dead stock, ploughs, carts, waggons, barn utensils, drills. I should put down £500 more for items which you have not got. There was another very material item. If I was going to take a farm, and I was about to be married, leaving my father, I could not go into an empty house; I must furnish the house.

410. Was your house furnished or unfurnished? An unfurnished house.

411. Is not the furniture included in the tradesmen's bills that you paid? Certainly not.

412. What were the tradesmen's bills? Such as coachmakers', wheelwrights', blacksmiths', machine-makers,' and a variety of other trades.

413. What did it require to furnish your house? I should say the furniture would cost £300, and the beer and brewing utensils £100 more.

414. Is there anything else?* There is the expense of living, and schooling and education for the children.

415. When you turned out, of course you sold all those things again? I did not sell all of them; I did not sell my corn at the same time; I sold my corn at different markets.

491. Viscount *Clive.*] How many day's shooting were there upon

* I have inserted this examination for the purpose of letting the farmers see the way in which the gentleman who is now going about the country asking the farmers to give him a party to lead in the next Parliament, thought it fit and decent to treat a most respectable farmer, who dared to speak the truth of the would-be-leader's semi-barbarous hobby.

this Luton Park Farm? how many times did parties come to shoot? I do not recollect a party in the whole time coming to shoot.

495. Was any game killed off, except by the keeper? *No; when the Marquis occupied the farm afterwards himself the game was done away with.*

496. Have you any idea how many were killed? I cannot say.

497. What sort of number should you put the year's killing at? There were none killed to my knowledge, except by the keeper, and and I do not recollect his killing any; I do not recollect any person coming down there to shoot when I was there.

513. *Chairman.*] You state that the preservation of game prevents expenditure upon the farm, and is a hindrance to high farming. Have you ever been on a farming tour through England to look at the different state of farming in different parts of the country? I have not.

514. You have never gone into Norfolk? No.

515. Perhaps you know by hearsay what is the nature of the farming carried on in Norfolk? I have heard of the system.

516. Do the farmers of Norfolk bear a high character? I have heard that they do.

517. Does not the farming produce of Norfolk exceed that of any other county in England, taking into consideration the number of acres, and the nature of the land? I do not know.

518. You say that you cannot keep the same number of stock, or sheep, upon land where game is kept? I cannot.

519. Is Norfolk a sheep county? I have heard it is.

520. And you say that game is very injurious to turnips. It is.

521. Have you ever heard anything about the Norfolk turnips? I have heard of turnips being grown in Norfolk.

522. Have you heard anything about the size of the turnips grown in Norfolk? No.

523. Do you know the mode in which they use turnips in farming in Norfolk? I have heard that they farm upon the four-course system.

524. Have you heard that a large quantity of land in Norfolk has been turned into valuable land from being mere sandy land, by the cultivation of turnips? Yes.

525. Have you heard anything as to the preservation of game in Norfolk? I never heard anything.*

Mr. *Nowlson*, also from Hertfordshire, now resident at Harpsfield, near St. Albans, is the gentleman to whom Lord Salisbury referred. His evidence is even more decisive.

* Nothing can be more ridiculous than to refer to Norfolk as offering evidence *for* game preserving. The standard of farming in Norfolk is comparatively high; but it varies very much in different places, and on different farms; and the practical farmer will detect a game farm, even on passing along the road, by its inferior condition. I never heard more general complaints of game than amongst the Norfolk farmers.

579. Mr. *Bright.*] Can you give the Committee any information with respect to the destruction of the produce of the farms by game? I have at different times been called in to value damage done by game, and it has varied from £2 to £6 per acre.

580. Do you make a profession of valuing? No, I do not make a profession of it; I am called in sometimes by both parties, and occasionally by one individual, as a neighbour.

581. Have you suffered from game upon any farm you have occupied yourself? No, I have not. The farm that I last rented I rented the game with the farm, *consequently I had it in my own power.*

582. Did you pay an extra rent for the game? Yes.

583. To what amount? About 1s. per acre.

584. You rented the shooting of the game upon that farm? Yes.

585. Did you take out a licence then? I did not; I underlet it, keeping the power of destroying the rabbits as I thought proper.

586. At what season of the year is it that the grain crops suffer, and what are the crops which suffer particularly from game? *I consider that the seed crop suffers from the seed-time even up to the harvest.*

587. Do you speak of all sorts of game; hares, rabbits, pheasants, and partridges? The injury that the wheat receives at the present time is from hares and rabbits alone. I do not consider that the wheat receives any damage from partridges and pheasants, except about harvest time.

588. In what way do the hares and rabbits injure it now? By eating the blade off, and throwing it back, so as to make it come to perfection later than it otherwise would, and the consequence is that it is subject to mildew.

589. Do you think that a portion of the grain coming at a later period than the other, has the effect of deteriorating the value of the produce generally? It injures the quality, and, therefore, it must injure the value of it.

590. By the introduction of what you would almost call chicken wheat into the good grain? To a certain extent.

591. Have you anything to say as to the effect of hares and rabbits upon grain when it is a little higher than it is now? Certainly; they still continue to injure it, and particularly the nearer it arrives at perfection.

592. When do they bite it off? As it gets towards perfection they will cut it off about six inches to a foot above the ground; they cut what we call "recks" in the wheat. I can speak to one instance, where I was called in to view it just before harvest, where some of the furrows were literally cut for, I should say, a foot and a half each side; that is, a yard, including both sides of the furrows, was literally cut off by the hares and rabbits, so that the straw lay as old stubble in the middle of the lands. Where they had not made a thoroughfare there the wheat was good.

593. Is it common for the hares to bite the joint of the stalk, which is supposed to contain a quantity of saccharine matter? We always consider it so. We always consider that the hare takes off the first joint, which is about nine to fifteen inches out of the ground, according to the size of the straw.

594. Are the green crops much injured by game? To a very great extent.

595. In what way are the turnips injured? By being bitten by the hares and rabbits, and consequently if there comes frost, the frost will destroy them. After the skin is broken the frost will take hold of the bulb, and it will decay. I have seen an instance this season; in fact I can speak of one field of turnips that were sold at £3 10s. per acre, in consequence of being so injured by the bite of the hares and rabbits, which otherwise, within two months afterwards, would have realized £8.

596. At what time of the year was that? The turnips were sold about the beginning of last January, and at the beginning of March they would have been worth about £8 an acre.

597. It is customary to feed the sheep upon the turnip fields, or in some cases to bring the turnips from one field to another to feed them. Have you known cases in which, after those turnips have been laid out overnight for the sheep in the morning, they have been greatly destroyed in the night by hares and rabbits? That is not much practised in our part of the country. In fact we always cut them now, and the consequence is, that we have no occasion to draw them till they are ready for cutting.

598. Is game at all destructive to the tares and vetches? To a very great extent. I can give an instance, which happened this time twelvemonth: a field in the occupation of a neighbour of mine. The game is underlet to a third party, and *he was obliged to plough up the whole of his winter tares on the farm*, from the injury they sustained during the winter from hares and rabbits, and to crop it with some other produce.

601. Can you state any instances of the money amount of damage by game on particular farms to particular produce? I could; but probably I should be injuring the individuals by stating names. I will give the names, if the Committee wish it.

602. Will you state the cases? In one instance, I valued the damage of a crop of wheat as £6 per acre.

603. On how many acres was that? On ten acres. In another instance, where the farmer had sown a whole field of wheat, *he never reaped a sheaf out of it*.

610. Have you any other particular cases in your recollection? At the present moment, I know of a farm in which the game was let to a third party; in fact it is a farm which I left at Michaelmas, 1843. *At the present moment, the tenant has a certain small portion enclosed with hurdles, which is in a very thrifty condition, and the rest of the field is wholly consumed, quite bare to the earth.*

611. By what kind of game? By rabbits and hares; principally rabbits.

612. Is that field near a preserve? It is adjoining a preserve.

613. Have you ever formed any estimate as to how many hares may be considered equal to a sheep, including both what they eat and what they destroy? I have never made any calculation upon that; *but the general impression is, that three hares will consume and damage more than will maintain one sheep.*

614. Suppose, at the beginning of the year, a doe rabbit in kindle was to be placed upon the farm, and a sheep, a ewe with lamb, and you were to maintain either this rabbit and its progeny, or the sheep and its lamb or lambs, to the end of the year, which would you prefer to have upon your farm? The rabbit and its progeny would consume more than ten ewes and ten lambs in the course of a twelvemonth; I mean with the whole of its increase, because we calculate that, on a dry soil, one couple of rabbits will increase to fifty in a season. We calculate that the first couple will kindle nine times in a season. The first of those kindles will kindle three times in a season; the second two, and the third one.

615. How many do they have at a time? We calculate seven: taking it at six, it comes to about fifty.

616. This calculation is founded upon the supposition that the production is entirely unchecked by any accident or anything else? Yes.

617. Have you any knowledge that there are restrictions or regulations imposed by landowners for the preservation of game, which interfere with the mode of cultivating the soil, or of tilling the crops? Yes; various landlords have various modes of preservation. For instance, the noble Lord Salisbury, all round his estate, *does not allow his tenants even to destroy rats or moles; he will not allow men to go upon the farms to destroy rats and moles. That information I had from one of his lordship's own tenants.**

618. You do not mean to say that rats and moles are allowed indefinitely to increase? His lordship keeps a molecatcher to keep the moles down, within a certain district of his domain, and he keeps a ratcatcher to execute his duty.

619. The farmers are not allowed to do this themselves, but he keeps somebody to do it for them? Yes.

621. Is it your opinion that the preservation of game affects improvements in agriculture and what is called high farming? To a very great extent.

622. In what way? First of all we will begin with the turnip system. For instance, if a crop of turnips is injured so as to lose half of them from the ill effect of game and frost, of course there is half less to be consumed by the stock on the land. In the county of Hertford the principle is to consume so much corn per acre or so much corn per week with those sheep, and the consequence is, that if the sheep are on the land only one week instead of four the land loses three-fourths of the benefit of their manure.

* This was afterwards fully confirmed by Lord Salisbury himself.

The consequence is, the barley crop is less; then the clover crop following that is injured by it also; and then the wheat crop following is injured to a still greater extent.

623. Are you of opinion that the whole course of agriculture suffers when game is preserved? To a great extent, particularly with turnips.

624. Do you think that high farming and improved agriculture is possible under the system of rigid game preserving? It is not possible; in fact you cannot grow large crops.

686. Mr. *Bright.*] Is it your opinion that the preservation of game tends to lessen the employment of capital upon farms? Certainly, because you cannot see high farming and game preserving together; and the consequence is, that without high farming, of course the employment for labour is lessened.

687. And in that case the diminished employment tends to diminish the remuneration of the labourer? Yes.

Mr. G. Berkeley, by cross-examination, succeeded in making Mr. Nowlson's evidence on the subject of game damage more decided, if possible, than his original statement.

740. Mr. G. *Berkeley.*] You say you rented the game on your farm; what did you give for it? At about the rate of under 1s. per acre.

741. How much was it? £10 a year I gave for it; 291 acres.

742. Is that the farm that you let the right of shooting over? That is the farm I let the right of shooting over.

743. What did you let the shooting for? £15 a year.

744. And you gave £10 for it? I gave £10, and reserved to myself the right of destroying the rabbits in any way I pleased.

745. To whom did you let the shooting? Francis Smedley.

746. What is he? A lawyer, in London; he is now high bailiff of Westminster.

747. You have stated that corn suffers from seed-time to harvest; what by? By the injury of rabbits and hares.

748. Do the rabbits and hares eat it while it is seed? Not while the seed is in the ground; as soon as it vegetates and and comes up, they commence at it.

749. How long is it before it comes up? Sometimes a fortnight, sometimes three weeks; it may be a month in a very cold ungenial autumn.

750. How long do they continue to eat it? *They will eat it up to the time of harvest.*

751. Will they eat the hard thick straw when it becomes almost a pipe? *They will cut it off.*

752. Will they eat it? I do not know what quantity they eat of it; they will cut it off.

753. Will any other animal eat the corn in the straw? Certainly, if they should happen to get into it.

754. What? Horses or cows would eat it to a certain extent if they should accidentally get in.

755. Do they ever by chance get into it? I dare say there are some solitary instances where they do; but of course it is for the benefit of the farmer to take care to keep them out if he possibly can.

756. If they do get into it, can you distinguish the harm they do from the harm that the game does? *Certainly you can.*

789. Have you ever known tares fail from other causes besides game? I have.

790. What? Injury by slug.

791. What particular class of slug? I cannot enumerate the class of slug.

792. When a crop of tares fails entirely, how do you distinguish the damage done by slugs from the damage done by game? The slugs will eat the tares off just above the ground, before it gets to the branches, but the game will eat the branches of it; they begin at the top and work them down.

793. Does the bite of game entirely kill the plant? Not entirely kill it.

794. Does the plant wither away after it is bitten? It seldom rallies to any extent.

795. Does it ever die entirely? I am not aware of its dying entirely.

796. You never saw a crop of tares entirely destroyed by the game? I have seen them so that they have been obliged to be removed, because after their being bitten to that extent they will never flourish so as to become a crop afterwards.

797. Did you ever see a crop of tares entirely obliterated by game? *So that they have been obliged to be ploughed up, I have.*

809. You have stated that a rabbit and its young will eat more than 10 sheep and lambs confined in the same space of ground? I have stated that I would rather keep 10 sheep and lambs than a couple of rabbits and their produce for 12 months.

810. Would that rabbit and its produce eat as much as 10 sheep and lambs? I should think they would eat and destroy quite as much as the 10 sheep and lambs would require.

823. You have stated that an agriculturist cannot live under the preservation of game? *I stated that he cannot thrive under the preservation of game.*

824. Do you mean to say that you do not know a thriving farmer under a landlord who preserves his game? *Where the landlord preserves his game, on that farm I do not know one.*

825. Do not you know any single farmer renting under a gentleman who preserves his game within his manors who is well to do? *I do not.*

913. Mr. *G. Berkeley.*] You have stated that you have never known high farming and game together? I say that I do not know of high farming and game together, and I do not remember that I ever have.

914. You have never seen a farm well farmed under game? I have never seen a farm in high cultivation where game is kept to a great extent.

915. What do you call a "great extent"? Where they are kept so as to do a considerable deal of injury.

916. Are you aware of a term that is commonly used, called "battue" shooting? I am aware of such a term.

917. Have you ever lived where that has been carried on? I am happy to say that I have not.

918. Has Lord Salisbury any battues? Yes; but I am happy to say that I live out of the injury of a battue.

919. What injury does a battue do? Of course the game which is the occasion of these battues consumes the produce adjoining the woods where they are so strictly preserved.

920. Does not a battue kill the game? Certainly; perhaps at the latter end of January.

921. Is not that game fed in covers? Some in covers, some out.

922. Is not it generally fed in covers? Who can keep it in the covers?

923. Are there not stacks put in the covers to feed it? Yes.

924. Does not the game feed upon the stacks? Yes.

925. At that season of the year there is no corn in the fields for the pheasants to eat? Yes; generally they will wander about the fields; but I am alluding more to the rabbits and hares, *for I believe that neither of them feed out of the stack, or feed in cover.*

Lord George Bentinck's examination was not more successful in diverting Mr. Nowlson from his text.

996. Lord *G. Bentinck.*] If the damage done by the game is so great as you mention, as that, for example, upon this farm of the turnips it was £4 10s. an acre, and on the wheat crop it was £6 an acre, how do you account for the fact that the landlord is content to take so little as £10 from you for the privilege of killing the game? I cannot tell how he was content; that was the price that he asked me for it, and I gave it to him.

997. Is not the fact this, that the damage that could be done by the game, estimated between you on the one side and your landlord on the other, was £10 upon a rent of £290 or upwards? The rent was £350; it was 291 acres.

998. How came the value of the damage done by the game to be estimated so very low as £10 upon £350, if in point of fact the damage that can be done by game amounts to what you say it does in many instances, namely to £4 10s. per acre upon turnips, and to £6 upon wheat land? I never had it estimated, because I had no damage done by the game; but when I took the farm I took the game; it was merely said, "You shall give so much for the game."

999. First you took the farm, for which you paid £350; that

was the value of the farm without the game? No, I will not say that.

1000. You stated that you took the farm and the game separately; that you took the farm for £350 without the game, and then it was matter of subsequent contract that you were to pay £10 for the game; how comes it about, if the damage done by the game to the farm is anything approaching to what you have stated, that when it came to be a matter of bargain between you and your landlord, it was eventually estimated at something less than three per cent. upon the rent? It was in this way: you give me so much a year for my farm, and you give me so much a year for my game; therefore, although it was two distinct sums of money, it was one bargain; that is, the farm was so much money, and the game was so much money, and I took the two at once.

1001. That is because the damage done by the game was estimated upon a rental of £350 at £10 a year? I do not know that it was the damage estimated; *it was for the right of destroying the game.*

1002. Is not that the same thing? *I consider the damage the game does and the privilege of destroying it two very different things.*

1003. If you have the privilege of destroying game, have not you the power of preventing the damage being done? Certainly I have.

1004. Whilst, if you have not the privilege of destroying the game, and the game is to be preserved, you have no power to prevent the damage? Exactly.

1005. Then if the game was to be preserved, the game might have done you all the damage that game can do an estate, and that damage you estimated at £10? *I should not have taken the farm at £350 a year unless I had had the right of shooting the game for so much money.*

1006. Was it stated in the original lease that the landlord was to reserve the game? That was my first taking of it. It was in the gentleman's own hands before, and therefore there was no reservation before.

1007. And you signed a lease for £350 a year for this farm of 291 acres, the landlord reserving to himself the game? No; the landlord taking £10 a year for the right of game.

1008. Was that in your lease? Yes.

Mr. John Houghton, of Broom Hall, Sunninghill, Berks, a land agent very extensively employed, and an occupier of several farms in different parts of the country, amounting altogether to 3170 acres was examined. He had nearly 200,000 acres of land under his management as land agent. His experience as a farmer and his observation as a land agent led him to object to the present game laws, but he was not in favour of total aboli-

tion. His estimate of injury by game agreed closely with that of the preceding witnesses.

Mr. Houghton started an idea of confining preservation of game to land occupied by the owner, and registered as a preserve. Practically this requires no law at all, and might be effected by any proprietor without the aid of any peculiar law, which, as will be seen hereafter, ought not to be allowed to remain on the statute book. These, however, were Mr. Houghton's suggestions.

1648. Mr. *Bright.*] Do you consider the preservation of game injurious to agriculture as a pursuit? That is a question I should want to qualify; I am very favourable myself to the preservation of game, and I wish it to be preserved; but it is the present game law that I find fault with: I want game to be preserved, but I do not want it to be preserved except where the person that preserves it is *bonâ fide* the occupier of the soil.

1649. *Chairman.*] What do you mean by the occupier of the soil? do you mean that it is solely to be preserved by the occupier, and not by the landlord? I mean that if the landlord wishes to preserve game he should keep the land in his own hands; suppose, for instance, any nobleman wishes to have game, he should be the party who is really the occupier. If I might be allowed to explain what I mean, it is this: that the farmers generally are accessories before the poaching takes place, and they are accessories after the fact, and that has this demoralizing effect upon the labourer; suppose I am the occupier of a farm which is preserved for game by my landlord, I see a man who I know is going to poach; I am perfectly satisfied that that is his real business: the man knows that I, his master, wink at it; he goes and poaches, and when I see him coming away with the game, which is frequently the case by the farmer, the man knows that it is no crime to his master to do it: he is an accessory before he does it, and an accessory after the fact; and it does not lower the man in the estimation of his master his being a poacher. If he is convicted he says, "Never mind, John, I will take you back again when you come out; those devils eat me up." So that that is the effect: they are the really guilty parties, who really kill the game; the poor men are only their tools, and they are punished and sent to gaol. I have had this come under my notice; a farmer has said to me, "I would not take the man up if I knew him kill 20."

1650. Are you prepared to state the name of the farmer? Yes, certainly, if it is the wish of the Committee.

1651. *Chairman.*] When you say that you think that game should only be preserved by the *bonâ fide* occupier of the land, you mean that the landlord, if he has an estate of 3,000 acres, of which he has only 50 acres in his own possession, having let the other 2,950 to tenants, should only be enabled to preserve game upon those 50

acres which he holds in his own hands? Certainly, that is my opinion. The present system produces an ill-feeling between the gamekeepers and the tenants.

1896. *Mr. Carendish.*] You stated that you would only have game preserved by the *bonâ fide* occupier of the land; how would you provide for the case where a farmer, in his anxiety to take a farm, is ready to enter into an agreement with the landlord that the game shall be preserved upon it? I would not allow that to be done: if I let a farm, I should let the game; and if I kept the land, I would keep the land and the game.

He also refers to game-hirers.

1676. *Mr. Bright.*] But you know cases in which landowners let land to a tenant and the shooting to somebody else. Have you formed any opinion as to the desirableness of that proceeding? I think it is very wrong indeed, because I consider that if you wish to let the game you should be the owner of the land, and you should grow the crops for it. For instance, a gentleman may say to one person, "I will let you the game," and he lets the land to another person, and the party who takes the game may preserve it to that extent that he really has the produce of the land.

1677. Do you consider that the tenant is better off or worse off when his game is in the hands of his landlord, who preserves it, or when it is in the hands of some one who has taken the game from his landlord and preserves it? I have known many instances where landlords have behaved very handsomely to their tenants, *but I never knew that carried out to so great an extent where other parties have been hirers of the game; and they looked upon it that they had a right to eat up as much as they pleased.*

1678. Do you consider that there is often a feeling of sympathy between the landlord and his tenant, which does not exist between the mere hirer of the game and the occupier of the land? Certainly. Speaking of the damage done by game, I have been over the parish of Middleton, Lord Jersey's, in Oxfordshire, and I have seen great damage done by game. I have heard the tenants complain.

1679. Have you any knowledge of the fact, whether compensation is occasionally, or generally, or always given to the farmers for the damage done to them by game? As far as I have been able to understand the question of compensation, a gentleman or nobleman will give a farmer compensation, but he will only give it for the land which lies near the cover; he will not go over all the farm; *the gentleman would send somebody to look at the particular damage, but he would not go to see what the game has done over the whole land.* Then, supposing damage is paid, it is only paid for the corn; the tenant loses the straw. He says, "I think here are two sacks of wheat an acre, or three sacks of wheat an acre;" he puts down that, but the tenant is the loser of the straw.

Mr. George Hayward, who had farmed at Maresfield, in Sussex, had been greatly injured.

2138. Mr. *Wright*: Have you had any valuation of the amount of damage? I had, in the summer of 1844.

2139. By whom was that valuation made? The first valuation was made on the 8th of July, by Mr. Thomas Holmar, of Uckfield, a farm-valuer.

2140. Was there any other valuation made? Yes; the second was made on the 3d of August, by Mr. Charles Marchant, of Hartfield.

2146. Can you give the particulars of the valuation made by Mr. Holmar? The first valuer gave me a valuation of £105 10s. for the damage done.

2147. What was the size of your farm? Two hundred acres.

2148. How much of it was arable? One hundred and ten acres; eighty odd in grass and pasture, and the remainder for shaw and hedge-rows.

2149. What are shaws? Underwood.

2150. What was your rent upon this farm? £150 a year.

2151. What was the description of the land? Light sandy land.

2152. Was it capable of bearing heavy crops? Not what we call heavy crops; a heavy crop would be considered 10 or 11 sacks of wheat to the acre; I could not expect more than seven or eight in that district.

2153. On what portion of the 110 acres of arable land did Mr. Holmar make his valuation? He went over 33¼ acres of wheat; he looked through 30 acres of oats, and about two acres of tares.

2154. Then the whole of your 110 acres was not to be considered as seriously damaged? No; there were 30 acres of fallows that summer.

2155. You say that Mr. Holmar valued the damage at £105 10s.; what was the date at which that valuation was made? The 8th of July, 1844.

2156. What was the date of the second valuation? I think it was August the 2d in the same year, just before I began to reap; I think I began the next day.

2157. What were the particulars of the valuation made by Mr. Marchant? They are all lumped together; he does not divide it; he does not say, so much in wheat, and so much in oats.

2158. What did Mr. Marchant value the damage at on the day in August when he came? Mr. Marchant valued it at £128 10s.; but I added £1. 1s. afterwards to Mr. Marchant's valuation, making it £129 11s., because I forgot to take Mr. Marchant into a field that Mr. Holmar had previously gone into.

2159. Was that valuation made by Mr. Marchant taken over the same crops and the same land as that by Mr. Holmar, with the exception of that little field you have mentioned? Exactly so.

2165. Did you lose anything in tares? Yes: I had the winter-sown tares eaten off; I ploughed it up and sowed it again, and in the spring it was eaten off again.

2168. Do you consider it possible for any farmer to carry on a farm with profit with such an amount of game or rabbits upon it? *Impossible; it must ruin him in a very few years.*

Mr. Hayward seems to have thought rather lightly of the benefit of a resident game preserver.

2424. Mr. *Villiers.*] Was that loss of fodder for the sheep at all connected with the game? The game was the cause of my not having a crop to feed them with.

2425. Plenty of sheep is essential to good farming? It is.

2429. Did you ever hear farmers say that it is a great advantage to have gentlemen living on their own properties, and that they would not live on their properties unless game was preserved? I have heard that.

2430. Do you think that farmers think that that is an adequate compensation for the mischief which game does to them? No, certainly not; they would sooner get rid of the game altogether, although the landlords did not live there at all; *that would be of more benefit to them.*

5431. If the landlord brings a great number of servants, grooms, and footmen, and keeps up a large establishment in his mansion, you do not think that that compensates the farmers for the mischief that the hares and rabbits do them? Certainly not; *I do not see what equivalent that can be for it at all.*

2432. Do you think that the business of farming is a distinct one, and can be carried on without reference to the circumstance of the squire or the gentleman living in his mansion? Yes, I think farming can be carried on quite independently of the gentleman living in his mansion, though it is an advantage to the farmer that he should live there.

2433. Do you think that many gentlemen would live upon their estates if there were not the preservation of game? I do not suppose they would care to live there if it was not for the preservation of game. Mr. Shelley has expressed that himself: "If I cannot have as much game as I wish, I might as well live abroad."

2434. Do you think that if Mr. Shelley were to go and live abroad in consequence of the game not being preserved, and if the produce of the land were to be greatly increased, the community would suffer very much? *I do not, at all.*

2482. Mr. *Trelawny.*] Do you think that it is an easy matter for a farmer, in taking a farm upon an estate where game is preserved, to calculate the amount of damage he shall sustain from it? No, I do not think it is very easy to calculate beforehand what damage he may have by game.

2483. Do you think it is in the landlord's power, where game is preserved, to increase it indefinitely to any extent, the tenant having no remedy? It seems so by what Mr. Shelley has done.

2484. Do you think it might, in extreme cases, be increased so far as to eat up the whole produce? It might.

2491. Do you think that this cause has any effect with respect to the class of persons by whom land is cultivated; do you think it produces this effect, that land is cultivated by poor persons instead of rich persons? I do think it is very much the case.

2495. Do you consider that independent and wealthy persons would accept tenancies upon estates liable to an indefinite increase of game? *Certainly not.*

2496. Do you think poor, dependent, and necessitous persons are likely to cultivate scientifically? I think not.

2497. When a landlord lets his estate, do you think it is implied in the very act of letting it, that he intends the farmer to produce out of it something over and above the expenses of cultivation; that he does not intend the whole produce to be eaten up? *No; the farmer considers that he is to make something more of it besides his rent.*

2498. Is it consistent with this implied intention that game should be suffered to increase indefinitely? No.

Mr. Edward Davis Hodding, of Odstock, near Salisbury, Wilts, who occupied 1,100 acres of land under Lord Radnor, had been much damaged by game since Lord Folkestone, the heir apparent, had come to reside on the estate, and had taken to preserving. Under Lord Radnor's personal superintendence the reservation of game had been nominal, it was practically given up to the tenants.

3437. Mr. *Bright.*] You say that you think it was in 1841 that Lord Folkestone came into the property, and that immediately after you received instructions not to destroy the game; what has been the result of that? The game has increased very considerably.

3438. What description of game particularly? Partridges, pheasants, hares, and rabbits; more hares and rabbits than pheasants and partridges.

3439. Have they increased to such an extent as seriously to injure your farm? Yes, they have.

3440. Have you had any valuation since the time that Lord Folkestone came to the property, and the permission to kill the game was taken away, of the amount of damage done by the game? I have had my present growing crop valued.

3441. By whom? By the two Messrs. Rawlence, in the neighbourhood of Salisbury.

3448. Will you have the goodness to read it? "We, the undersigned, do hereby certify and declare that, to the best of our knowledge and belief, the growing wheat crop (at the present time) on the lands in the occupation of Edward Davis Hodding, at Odstock, is injured by hares and rabbits to the amount of £172; and we are also of opinion that the tares and young grasses are injured to a considerable extent.—*John Rawlence, James Rawlence.*"

3449. What is the date? December 2d, 1844.

3450. Upon what extent of land was that valuation taken? About 45 acres.

3451. Did it extend beyond 45 acres? No, it did not.

3452. Are you prepared to state to the Committee, that Messrs. Rawlence gave it as their opinion that, on 45 acres of growing crop on your farm, the damage by hares and rabbits amounted to £172? Yes, I am.

3453. Had you more crops growing than on those 45 acres? Yes, I have more than 100 acres, besides the wheat that was injured; that was only on wheat land.

3463. Are you prepared to state to the Committee the amount of the damage which you believe you have experienced in former years? Yes; in the four years previous to this I have lost about £460 on the wheat and barley land alone.

3464. Is that in the whole four years? Yes.

3465. That amounts to £115 annually on the average? Yes.

3466. Was that principally upon wheat, or upon turnips? Upon turnips and barley and dredge corn, horse corn; dredge corn is a mixture of oats, barley, and peas.

3467. Was that upon the same tract of land near the covers, or in any other part of the farm? It is near the same spot, all around the covers.

3468. Did you ever calculate the amount of damage upon an acre, or any given extent of turnips? No, I never did.

3469. What is the amount of your local taxation upon your farm, including poor-rate, county-rate, highway-rate, church-rate, and your income-tax; what do you think the whole come to? *Perhaps* £60 *or* £70 *altogether*. I am sole occupier of land in the parish, and I do not pay much to the poor-rate, because I employ every one that is willing and able to work.

3482. Is the quantity of labour which you employ on your farm above the average quantity of labour in that district? It is considerably above.

3483. You have stated that the amount of your local taxation, including income tax, is from £60 to £70; are you prepared to state that, since the year 1841, the destruction by game upon your farm has exceeded in injury to you the whole amount of your direct local taxation? Yes, it has, considerably.

3484. Do you think it has doubled it? It has not quite doubled it in the corn, which was all that I had valued.

3485. But if you include your turnips, your clover, and all your green crops, as well as your corn, and all the matters connected with game upon your farm, do you think that the injury is or is not double the amount you have paid for direct local taxation? Yes, it is quite double, or more than that, I should think.

3486. Has your lease pretty nearly expired? My lease expired last Michaelmas.

3487. Have you endeavoured to make a new agreement with your landlord? Yes, I have been endeavouring to do that.

3494. Did your conversation turn at all upon the question of game? It did.

3495. What was it that you wished? I told him that I could not agree to take the farm again unless there was some agreement

made about the game: that it was injuring me; *so that I must have an understanding that it should not injure me so in future if I took the farm.*

3496. Would you consider the question satisfactorily settled if you had a clause giving you compensation for damage, or would you prefer having the game entirely in your own hands? I do not care about the shooting myself at all, but I should like to be able to keep the game down.

3497. When your father occupied the farm before you, was there any arrangement by which he was able to keep down the game or the rabbits? He was alive when the permission was given by Lord Radnor. I took under the same lease that he had. *We used to be enabled to destroy the young rabbits; we paid so much a head for the young rabbits.*

3498. To whom did you pay? To the men and boys employed on the farm.

3499. Is that in the same way in which it is customary for the constable of the parish to give so much a piece for sparrows and rats? Yes.

3500. Were they considered in the light of destructive and noxious creatures? Yes.

3501. Is that your opinion generally? Yes.

3502. Do you consider it a wise or an unwise thing for a man with capital, and in independent circumstances, to take a farm where he has no control over the game? *I do not think it is a wise thing.*

3509. Have you ever received any compensation from Lord Folkeston for the damage done to you? I never have.

3510. Have you ever applied for it? I have.

3519. Has anything been done with respect to hares? They have been destroyed a little; not so much as the rabbits.

3520. Are keepers set upon the plantation for the preservation of game? Yes.

2521. Has Lord Folkestone given you any compensation for your loss by game in the last four years? None.

3522. Do you expect any from him? I have made a claim; I do not know whether I shall get any.

3523. Do you consider that from the terms of your lease you have any strict legal title to make that demand? *I consider that paying such a rent I cannot afford to lose from the game.*

3524. Do you consider that you pay a high rent for your farm? I do.

3530. Then do you consider that the tendency of strict game preserving is to diminish the amount of employment for labourers? Yes, very much.

3531. If it diminishes the amount of employment, do you consider that it adds to the competition for labour amongst the labourers? Yes.

3532. Does the increase of competition amongst the labourers, for the little employment there is for them, tend to a reduction of wages? Yes, it does.

3633. Then do you consider that, tracing it in that way, the effect of the strict preservation of game is rather to a reduction of wages than otherwise? Yes.

3634. Are you decidedly of that opinion? Yes.

3617. Mr. *Cripps.*] Supposing a valuation were now made, do you think there would be the same loss? I do; I have another valuation made now.

3618. Is that as much, or less, or more? I have it here.

3619. Is it upon the same crop? Yes.

3620. Is it by the same person? By the same person.

3621. Will you read that valuation? "Odstock, March 29, 1845.—I have this day again inspected the wheat growing on Odstock Farm, and I am of opinion that the injury done to it by hares and rabbits is much greater than when I made a valuation of Mr. Hodding's losses on his wheat crop (caused by the game) in December last.—*James Rawlence.*"

3622. Do not you consider such a valuation very much guess-work? *I do not think it is; it must be seen several times in a season.*

2623. Is there any wheat there now? I do not think any one would know that wheat had been sown there; *it is nearly as bare as this table.**

3637. If anybody has said that two rabbits do as much harm as a sheep, do you not think that is rather an exaggeration? I do not know; they have a good digestion, and they eat a great deal.

3664. Mr. *Burroughes.*] What is the usual produce per acre of wheat upon your arable land? Our average is about six sacks an acre.

3665. A sack is four bushels? Yes.

3666. Is it possible for anybody in December, or even at this time of year, to calculate what you will lose in consequence of the game upon the wheat crop? Yes, it is; crops are often valued and bought at that time of year.

3667. Is it possible to say what the yield will be next harvest? I should not have any objection to buy a crop in that way.

3668. Do you think you can estimate the damage done at that time of year to a crop to be reaped next harvest? I could not accurately: but I should take care to value it under rather than over.

3669. Do you ever put a top-dressing of soot over? Yes.

3670. Have you not found that a preventive to game coming on? For a few days, but on the first rain, it is washed off from the wheat again.

3671. Would not repeating the top-dressing answer the purpose? The expense is so great.†

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* April, 1845.

† This is like the story of the Princess, who, when the people were famishing for want of bread, said, "Why don't they buy sweet cakes?" Farmers cannot afford an expensive top-dressing weekly to keep off the game. Such a question is puerile, and indicates great ignorance of rural affairs on the part of the questioner.

Another Wiltshire farmer, Mr. John Bell, of Brickworth, near Salisbury, occupied 900 acres of land, at a rent, including tythe, of £610.

3710. Mr. *Bright.* Have you been in your farm a considerable time? I have been there 30 years, but not to occupy it myself; my father occupied it before me, and was all but ruined there; he had it ten years.

3711. When did your father leave it? About 20 years ago.

3712. Have you occupied it since then? I have had it about nine years.

3713. Who had it between the time when your father left and you took it? Lord Nelson kept it; he was obliged to occupy it.

3714. On what account could he not let it? *The game was the principal thing.*

3715. Do you consider that your father was much injured by the game? *I know he was nearly ruined by it, and nothing else but that.*

3721. Have you suffered seriously by the ravages of game? I have; that is why I wish to get out of it. I offered to do so last Michaelmas.

3725. Can you give the Committee any valuation or estimate that you have formed with respect to the amount of damage on your farm during the last year? Yes; I made one myself.

3731. Will you state what it was? £416 8s.

3733. Do you give that as what you believe to be an honest statement of the damage upon your crop? I do, at a very low estimate.

3734. Do you consider that that includes the whole of the damage you have sustained? No, there is nothing about green crops there: I suffered a good deal by that.

3738. Did it oblige you to alter your course of proceeding with respect to the feeding of your stock? Yes, I was obliged to begin eating Swedes before Christmas; that is an unusual thing.

3739. Did you do that to save them from the game? Yes; if I had not, I should have lost them all.

3740. Have you had any sainfoin, or clover, or other grasses injured by game? Yes, sainfoin particularly.

3741. Are you prepared to state that the valuation of damage which you have put in is correct, to the best of your knowledge as a farmer and valuer, with respect to your white crops? Yes, I am.

3742. Are you prepared to state that you have sustained further damage which is not included in that upon your green crops? Yes, but I have nothing to show in that way.

3743. When you took your farm, was anything said about the game? Yes; *I was promised by the steward that I was never to be injured.* I was to destroy rabbits in any way I thought proper, upon sending two couples to the house when required: but I cannot go into the woods to do so; that is where it is.

3744. Do you occasionally kill rabbits? Yes, at times.

3745. By gun or snare? By gun; I never set a snare.

3746. Has your practice of shooting rabbits been considered annoying to the gamekeeper? It has.

3747. Can you give the Committee any proof of it? Yes; a twelvemonth ago his Lordship * told *me that my gun annoyed his keeper, and I put the gun down for some time.*

3748. Did he explain how it annoyed him? Yes, because the keeper's house is two miles from the upper end of my farm, and when I was up there shooting he had to come there to see who it was, and he had the two miles to go back again.

3749. Are gamekeepers generally gentlemen of that character that they do not like much extra trouble? Yes.

3754. Has the keeper ever said anything to you with reference to your using the gun to keep the crows from your crops? No, because he knows it is of no use. I am obliged to do it; but he does not like it.

3755. How do you know he does not like it? I am sure he does not; but that is a usual thing in the neighbourhood.

3756. Do you know whether the gamekeeper who is about your farm ever sells game himself? *He sells rabbits.*

3757. Is that a perquisite he has? *Yes, it is given to him as his property.*

3758. Can you tell the quantity that he has sold? I cannot tell. *All I know is, that there is one person that says he has paid him about £200 this season.*

3769. You think that if there was no game upon your farm you could produce more food for the sheep you have, and you would be obliged to buy less? Yes.

3775. Can you tell the Committee what is the amount of your local taxation, including your poor's-rate, county-rate, highway-rate, church-rate, and your income-tax? About £120 a year.

3776. Does that include all those taxes? Yes.

3777. Do you consider that the injury done to you by the game has been more than the amount of the whole of your direct taxation? Yes.

3778. Do you think it has amounted to twice as much? *Yes, more than that.*

3779. Are you prepared, on due consideration, to state to the Committee your opinion that the injury done to you as a farmer upon your present farm is more than double the amount of your direct taxation? Yes, four times, if I took in the green crops and all.

3810. Mr. *G. Berkeley.*] You have stated that your father was all but ruined on the land? Yes.

3811. What do you call "all but ruined?" He nearly lost the whole of his property.

3812. Did he leave the farm on that account? He did.

3813. How much money do you think he lost there in the 10 years? More than £2,000.

3814. What money did he bring into the farm when he first took it? £4,100.

* Lord Nelson.

3819. Had the depreciation of the price of stock nothing to do with your father's loss? It had something to do with the loss, not much.

3820. How much? I cannot say how much.

3821. How much do you think? I am not prepared to say exactly; *but I know he lost more than £200 a year by the game.*

3822. How much do you think your father lost by the fall of stock? It might be £500 for all I know.

3823. Then is that to be deducted out of the £2,000 by which you say he was worse off? No.

3824. Then your father lost £2,500? Yes; he always considered that he lost more than £200 a year by the game.

3825. You say that when he left the farm Lord Nelson took it? It was advertised to be let for a twelvemonth, and no one would take it.

3826. Why would they not take it? *On account of the game.*

3827. Was it on account of the game, or because it was very bad land? It was on account of the game.

3828. Are people fond of taking bad land? Not if they can get better.

3829. Is it a farm that a person would like to take if there was no game upon it? Some would take it if there was no game upon it.

3830. What do you mean by some? I took it myself.

3831. Why did you take it? Because I was promised that I should never be injured by the game.

3832. Who promised that? The steward.

3837. Had you leave to shoot? Yes; but not in the woods.

3838. Had you leave to shoot the rabbits in your field? Yes.

3848. Did you think that the having power to shoot the rabbits was enough to keep you from loss? No.

3849. Then why did you take the farm? The steward promised me that I should never be injured.

3850. What by? By game.

3851. Or rabbits? Altogether, that I should never be injured.

3852. Did he mention game or rabbits? He did not say either; he said that he would take care that I should never be injured by game; I suppose that would include all.

3853. Have you ever been injured by game? Yes.

3914. How many years have you suffered from game? Four years; a little all the time, but not so much as last year.

3915. Has it been chiefly from rabbits or hares? Both.

3916. Which the most? Most from rabbits.

3917. Yet you had the power to shoot those rabbits? Not in the woods.

3918. But on your own land? Yes.

3919. And you had not the power to shoot the hares? No.

3920. And yet you suffer most from the rabbits? Yes.

3921. Although you had power to kill them? *But it is impossible to kill all of them in the fields.*

3922. Which do you think is the best, that the landlord should keep down the rabbits entirely of his own accord, having access to the covers and plantations, and everything, or that the tenant should have the right to kill them? The tenant, because he rears them.

3923. Do you think that the tenant can keep down the rabbits without going into the woods? *It is impossible.*

3942. Are not Swede turnips one of the chief things damaged by game? By nothing else.

3943. Does anything else damage them but the game? *No, I take care that there shall not; there is nothing else to do it.*

4036. Mr. *Villiers.*] When you came to give evidence before this Committee, did you apprehend that it was upon the point of the damage done by game to farmers? Yes, I thought so.

4037. You have some years' experience as a farmer? All my lifetime.

4038. You consider yourself competent to speak to that matter, as to what damage game does to a farm? If I look it over, I can tell pretty nearly, because I have seen so much of it.

4039. Did you understand that you were to be examined here as to the provisions of an Act of Parliament? No; I never heard anything about an Act of Parliament.

4045. If the landlord did not reserve the right to kill the game, and it should turn out that the tenant, by the law at present, has a right then to destroy the game, would that prevent the game doing harm to his land if he did not destroy it? It would be his own fault if he did not do it, if he had liberty.

4046. Has he so much time on his hands that he can destroy all the game if it is preserved in his neighbourhood? No, but he could put a man on.

4047. Could he get a man without paying him? No.

4048. Would that be an additional outgoing in his farming expenses? Yes, but he would be a gainer by it.

4049. He would lose less by paying a man to destroy game than by the destruction by game? Certainly.

4050. Do you know whether landlords are in the habit of indemnifying their tenants for the damage that is done by game coming from other persons' preserves? *I do not know any person in our neighbourhood that ever received anything for damage.*

4051. Supposing game comes out from a wood that does not belong to the landlord, where has the farmer a remedy? He has no remedy but to destroy it if he can.

4060. You were understood to say that you had put out 100 sheep to keep; would you have kept those sheep upon your own land but for the rabbits or game? Yes; that cost me pretty nearly £70.

4061. Whenever a farmer takes a farm he considers the outgoings, does not he, such as the poor-rate, church-rate, and highway-rate? Yes.

4062. Are those what are called burdens upon the land? Yes.

4063. Should you, in making a calculation of the outgoings, if you knew that the game did certain damage, reckon that as much an outgoing as poor-rate? *The tax imposed by the game you cannot avoid* when it comes upon you.

4064. Is there any difference between the loss which a farmer sustains from the one outgoing and from the other? We always know our outgoings, but we cannot calculate for the game.

4065. If you were seeking to be relieved from certain things which oppress you, would you mention game as well as other charges, such as church and poor-rate? I should not expect that that would be taken any notice of.

4066. If relief was intended to be given to you as a farmer, would the relief be as real by destroying game as by removing some of the local taxes? It would be a great relief to me if the game was destroyed.

4067. Were you rightly understood to say that the mischief done by game is greater than your local taxation? Yes.

4068. Then if the game was destroyed you would be more a gainer than if your taxes were removed? *Yes, because my taxes do not amount to anything like the game damage.*

Some of the preservers on the Committee seemed to be mightily pleased with a mare's nest of this sort. When a witness had stated the amount of yearly loss sustained by game, a calculating game patron said, "Oh then if you had no game, you could give so much more rent." Mr. Bell disposed of that crotchet.

4266. Mr. *Trelawney.*] When you say you would not give Lady Nelson £150 a year more rent if the game were destroyed, do you mean that you are a loser now to more than that amount? I have been; but the three years before I will not say exactly what it was, because I have no account of it.

4267. Supposing your rent was £300 a year, and you lost £150 a year for some years by the game, do you think that would be any reason for giving £450 a year rent, if you were allowed to destroy the game? *No; I pay a fair rent now; I could not give an increased rent*; the first five years I had no reason to complain of the game.

4268. Do you maintain that the present rent of £150 a year is too much? *No, not if there was no game to do my crops any damage; I would not have taken the farm on any account, if it had not been for the promise that I should not be injured.*

4269. Have you lost by game to the extent of £150 a year? I think I have lost in the four years that upon the average.

4270. Do you think that if the game was destroyed, you would be only getting your due? *Not more than I ought.*

4271. Do you think you would have any reason for giving more rent? No.

Mr. William Henry Blatch, a farmer and land valuer, of Nutley, near Basingstoke in Hampshire, confirmed all that previous witness had said of the depredations of game, and added some illustrations of the system his own experience had furnished. His farm consisted of 750 acres of light land, of which about 150 was rough down land, covered with frieze and bushes. Mr. Blatch had at one time the game over his whole farm, but he had within a few years given up the right to the game over about a fourth part of his farm to his landlord's nephew, who had come to reside in the neighbourhood. He also stated several cases in which he had been called in to value damages sustained by game.

4429. Mr. *Bright.*] Are you of opinion that considerable destruction of the produce of the land arises from the strict preservation of game? I am.

4430. Can you give the Committee any instances which have come to your own knowledge, or any facts and accurate statements with respect to damage which you have had either upon the land in your own occupation, or under your notice as a valuer? Yes; I have committed a few to paper; I have not my books with me, for I did not know what might be required. I have valued the damage done on the farm occupied by Mr. Wilkins, of Farleigh Wallop, under Lord Portsmouth. I have valued the damage done by game for two or three years successively, averaging about £150 a year.

4431. What is the size of the farm? Five hundred and fifty acres.

4432. Over what portion of the farm did that valuation extend? It was over the fields that were sown with wheat, but I cannot say as to the acreage, because we pick a bit here and a bit there.

4433. Did it include the whole 550 acres? Yes.

4434. Do you mean to say that there were no fields which were undamaged? To an inconsiderable extent, but we went to the fields which had been cut about principally by game; not much upon his turnips; they had been slightly touched.

4439. Can you state any other case? On the continuation of the same farm by the present tenant.

4440. Who is the tenant of that farm now? Mr. William Brown.

4441. How have you found it under his tenantcy? He applied to me to look over the mischief done last year; he has been considerably injured, but he has had no opportunity of getting any redress. He applied to me to value it, to lay the statement before his landlord.

4442. How did you find it? I found about £50 to £60 worth of damage done in that case.

4443. Was that confined to a few fields of the farm? That was confined to a few fields, near the preserved woods.

4467. Is it easy to value the damage committed by game upon the green crops, and upon the grasses? I do not believe it is ever valued high enough; I have always contended so; you cannot exactly estimate the precise damage done.

4468. Have you ever turned your attention to the consideration of how many hares or rabbits a man would keep with the same amount of damage that he would sustain if he kept a sheep? I have considered three hares equal to a sheep.

4469. Rabbits the same, or more? I have never made a a calculation about the rabbits, as to the number that could be kept against a sheep. They are squatting about near the woods.

4470. What is your opinion with respect to the effect of game preserving upon improvements in agriculture? It is very injurious, very detrimental to improvement.

4471. In what way do you come to that conclusion? *First, I believe that the strict preservation of game is a strong preventive from gentlemen letting leases.* It acts, first of all, in this way, that no man will make an outlay upon his land where he has got lots of game and rabbits to eat up the produce.

4590. Have you many wood-pigeons in your country? Not a great many.

4591. Many rooks in that country? Not many.

4592. Many rats in that country? Very few indeed.

4593. Many jays in that country? Very few.

4594. Do any of those creatures do any harm to the crops? Yes, to a certain extent.

4595. Did they assist in the damage which you saw upon that farm? Very inconsiderably.

4596. How much should you suppose? What would be their share of a £10 valuation of damage? *Not* 10*d. I should say.*

4597. Then do you think that for all those creatures altogether £5 would include their damage upon the whole farm, that is, the rooks, the wood-pigeons, the rats, and the jays? I never heard that rats attacked crops to any considerable extent; I never saw 10*d.* worth of damage done by rats in our neighbourhood, not to the growing crops.

4598. What would you have put the damage done by those creatures at upon that farm in any one year? I do not know; I was not called in to ascertain that distinctly.

4599. Did you set that apart, and separate it from the damage which you stated was done by the game? No.

4600. Did you include in your valuation of damage any damage done by those creatures? *If any was done by them.*

4601. Then did you include all existing damage of every sort in your valuation of the damage done by game? Yes.

4607. In what year was there such a vast quantity of game? In the year before the last year Mr. Smith left it.

4608. What year did he leave it in? I cannot recollect.

4609. Cannot you recollect the year in which Mr. Smith left the manor? I believe it to about two years since; I will not speak positively.

4610. Then it could not have been an event that so much relieved the neighbourhood to the extent you stated, or else you must have remembered it? I remember it as living near it.

4611. Do others remember it? *I will be bound that every one does who had land adjoining Mr. Smith's manor.*

4062. Mr. *G. Berkeley.*] You stated that you do not believe that the damage done by game is ever assessed high enough; cannot you assess it high enough, so as to be sure that you are on the right side? No, because if you meet a gentleman on the other side he wants you to point out to him what has been absolutely done by the game, and you cannot show what has been removed, unless it is at a particular time of the year, when the stubbles are left, and when a hole is cut through the field.

4663. In those cases where you cannot point out the damage, if the damage is once done, do not marks of it remain? It grows up to a certain extent; when it is cut up in the early part of the year, *it heels over by throwing out fresh tillers, which never produce ears of corn.*

4664. Then they do not absolutely and entirely destroy the corn? I have seen half the corn entirely destroyed by rabbits and hares.

4076. Do you pay a high rent for your farm? Not particularly high; a fair rent.

4677. Is it an easy rent? Tolerably easy.

4678. Is is a rent that might be considered to include the damage done by game? *Certainly not.*

4679. Is it the full value of the rent of land round it? Yes.

4680. You said that you had enjoyed the right to shoot by permission of your landlord for 20 years? Yes; more than 20.

4700. When you had the shooting on that land, and enjoyed what game there was there, did you permit people to poach? I did not.

4701. Did you preserve it as much as you could? No; I did not employ any keeper to preserve it.

4702. Would you have prevented a poacher if you had seen him? Certainly.

4706. You only object to it when it is in the hands of your landlord? *When it is in the hands of persons who oppress me, so that I cannot use my own discretion by killing the game when it is necessary.**

Lord George Bentinck tried the "Won't you give more rent?" question upon Mr. Blatch.

4939. Lord *G. Bentinck.*] You were understood to say, that the damage done by game upon your farm, amounts to £180 a year, sometimes to £200 a year; was that the case? That is the case.

* This marks the distinction which game preservers won't see between a man farming land and keeping game upon it *according to his own discretion*, and being overrun by game over which he has no sort of control.

4939. That is the average? Yes, about; I would not say precisely.

4940. Do you mean to say that you would authorise the Chairman of this Committee, to state to Mr. Jervoise, your landlord, that if he would consent to have all the game destroyed upon your farm, you would be content to pay him an increased rent, to the amount of £180 or £200 a year? Certainly not; I should not like to authorize any gentleman to do that.

4941. Would you consent, under such circumstances, to pay an increased rent of £100 a year? No.

4942. Would you consent to pay an increased rent of £50 a year, for the right to destroy the game entirely? I think if I had the right of destroying the game entirely, I should have no objection to pay £50 a year extra.

4943. Would you authorise the Chairman of this Committee to intimate to Mr. Jervoise, your landlord, that you would pay £50 a year more rent, provided he allowed you to destroy all the game upon it? I would.

4944. Would you authorise the Chairman of this Committee to say, to intimate to Mr. Jervoise, that you would pay £75 a year? No; I should like to confine it to £50.

4945. Then am I not to understand, that whilst you have stated to this Committee that the average damage done to your farm amounts from £180 to £200, in truth it only amounts to £50? No, because I have explained how that happens; the game comes from other covers, over which I have no control; but it would be worth £50 a year to destroy that which comes out of those other covers, but we could not kill them all.

4946. If the game does you damage to the amount of £180 a year, would it not be worth £160 to get rid of the game? No, because on my own farm I have permission to kill; but I must necessarily suffer where preserves are all round me.

5110. Mr. *Villiers.*] Do you consider the power to shoot game yourself an entire protection against the mischief that game does? No.

5111. Does it take some time to watch the game and to shoot and destroy it? It does; it took me, when I first went to Nutley, three or four days in each week to destroy in those very covers, killing a thousand head each year.

5112. Is that time which a farmer can spare? Certainly not.

5113. If he cannot, must he hire somebody to do it? He must hire to do it.

5114. Is that an expense to him? Yes, a very considerable expense.

5115. The person whom he would hire in that way must be licensed? Yes.

5116. And he would have to pay him for his labour? Yes.

5117. If your landlord was to remit to you £50 of your rent, and you had a right reserved to you to destroy the game on your land, would that indemnify you for your loss? No, because I could not enter into those woods belonging to other gentlemen.

5218. Mr. *Bright.*] You have been asked a great deal about wood-pigeons and a variety of birds and vermin, and you have admitted that in some cases those things to some extent, but not to a considerable extent, injure the produce of the farm. *Is it your opinion that the fact that wood-pigeons eat those things is in any way a compensation to the farmer for that which the game eat?* Certainly not.

5219. If a quantity of game were to eat a quarter of corn, would it be any compensation to you to prove that the wood-pigeons ate a bushel? Certainly not.

Mr. Edward Saunders, who had two years before been driven away from Shaw farm, in Dorsetshire, between Blandford and Wimborne, by the game, gave similar evidence, and stated besides a few notable circumstances.

5259. Mr. *Bright.*] How long were you upon that farm? Eighteen years.

5260. Had you it upon lease? No.

5261. Had you any written agreement of any kind? No written agreement of any kind.

5262. Did you know, when you went upon that farm, that it was a farm upon which game would be preserved? Yes, I was given to understand that to a certain extent.

5263. Was it a farm well known to have a good deal of game upon it? It was always noted for game.

5264. Was there anything said to you with reference to the rabbits? *If I consented to take the farm I was not to be injured by the rabbits.*

5265. Was there any assurance given to you with respect to anything else but rabbits? No.

5266. What was the number of acres on the farm? Three hundred and sixty-four acres.

5267. What was the rent of it? When I took it first the rent was £230 a year.

5268. What was the tithe? The tithe was £75 a year.

5269. Was the rent raised afterwards? Yes.

5270. Up to what? Up to £254.

5271. On what account was that? It was subject to the deer before Cranborne Chase was disfranchised.

5272. Did you pay that extra rent when you were no longer injured by deer? Yes.

5273. That was an agreement between you and your landlord? Yes.

5274. Notwithstanding the assurance you had from the agent that you should not be injured by rabbits, were rabbits strictly preserved? *Yes, to a very great extent.*

5275. Do you know whether during a part of the time the gamekeepers had the rabbits as perquisites? *They had; the greater part of the time.*

5276. Who had the rabbits during the remainder of the time? The landlord.

5277. Do you know whether your landlord had the rabbits killed, and sold them? Yes.

5278. Do you know the number that were killed and sold in a given period? No; I cannot say anything as to the number.

5279. Were they very numerous. Very numerous.

5280. Have you frequently complained to your landlord, or his agent, of the hares and rabbits? *Yes, many times.*

5281. Do you consider that you have any right to compensation from your landlord for the damage done by game? I do not know that I have, because I was told that there was game upon the farm, *but I did not expect it to that extent.*

5282. Would you have given more rent for your land, if it had been game-free? Yes.

5283. Was it a farm that was somewhat notorious for the preservation of game? Yes; there is no farm anywhere, I suppose, where game can be better preserved; it is entirely surrounded with covers.

5284. Have you ever made any valuation as to the damage done upon it? No.

5285. If you had no legal claim to compensation, did you think it worth while to make any valuation of the amount of damage? No; I thought it was of no service to make any valuation.

5286. What was the name of your landlord? Mr. Sturt.

5287. Is he a member of Parliament? Yes; member for the county of Dorset.

5301. You stated before that you did not suppose that you had a right to compensation, and that you did not make any valuation of the damage done to your crops; is it your opinion, that in any one year the amount of damage to your crops reached £200? Yes; some years more, and some years less; because there was a greater stock of rabbits in some years, and therefore it was greater in some years than in others; the more stock they had the greater damage was done.

5302. Are you of opinion that the average damage for several years would be £150 a year, taking the whole of the grain crops and the green crops, and the loss of manure altogether, during the years when the game was most in excess? Yes.

5303. Would you have given more rent for the land if it had been without game? Yes.

5304. Would you have given £50 a year more for it? Yes.

5305. Would you have given more than that? Yes; I would have given £100 a year more for it, if it had been free of the game and rabbits.

5306. Do you think you could have made it pay as well, giving £100 a year more without any game, as you did make it pay with all that game, and £100 a year less? Yes.

5307. Did you leave the farm on account of the game? Princi-

pally the rabbits; I had more reason to complain of the rabbits than of the game; because I took it with an understanding that I was to have some game, but not the rabbits.

5312. Is it your opinion that the amount of capital laid out in farming would be wisely increased in case there was no game? Of course it would, because it would be laid out with spirit.

5313. Do not you think that the granting of leases would also have the same effect? *I do not know that I should very well like to take a lease upon a game farm where it was infested with rabbits or anything of the sort.*

5314. If there be less capital employed on the estate, and less produce and less stock upon it, has not that the effect of diminishing the employment of the labourers in the parish? Of course it has; there is less labour employed.

5321. Is it your opinion that if gentlemen generally were to give up the practice of keeping game to a great extent, it would be a considerable relief to the tenants, and to farming generally? Of course it would; farming would be done with more spirit.

5322. Do you think the farmers generally would have any objection to such an amount of game as would afford rational sport? No, I should think not.

5322. Do you think there might be game enough upon your farm to afford sport to a man that came with his dog and gun for a day, and yet not such as to do you any injury? *I do not know that I could say no injury, but not injury enough to complain of.*

Mr. John Shittler, of Bradford, Wimborne, Dorsetshire, had felt the benefit of a "resident landlord" and game preserver as a neighbour. He held his farm under the trustees of a grammar school, and consequently was master of the game upon his own farm, but at first suffered seriously from game preserved by neighbouring landlords.

5462. Mr. *Bright.*] How is it that you have suffered if you had the power of killing the game? On entering the farm I prepared and sowed my wheat crop at Michaelmas 1837; and during the summer of 1838 I had to remove from the farm I was quitting to this farm, and I had some other business in another part of the country which fully employed my time.

5463. So that you did not interfere much with the game? No; I was not aware that it would do me damage; *I had never suffered from game to any great extent on the farm I occupied before;* then, some time before the harvest, I found that the game was doing me harm; I found that I had a piece of wheat very extensively injured.

5465. Is your land surrounded by covers? It is not surrounded. At one end there is a small cover belonging to the farm of 3¼ acres; the field is situated at the end of it; the part nearest the cover is the part that was injured; the field was of the extent of

15 acres, and 9 acres of the part nearest the cover was injured; I do not mean to say that it was in a direct line across the field, but in and out, and the part furthest from the cover was scarcely injured at all except by a few roads through it.

5467. How came it that you were so much injured if there were only 3½ acres of cover and you had it in your own hands? Because there were other covers near to it, which are the property of Mr. Sturt, of Crichill, who keeps a great quantity of game; and on the other side of my farm is property belonging, at that time, I believe, to Mr. Bankes's father, and there was a great deal of game kept in a cover called Highwood.

5468. Are you of opinion that the game which abounded so much in the covers of Mr. Sturt and Mr. Bankes took possession of your cover, and from that and from the others issued forth upon your farm? Yes, because when I found that my wheat was so much injured I drove them out of the cover; I did not attempt to shoot any, but I drove them with a spaniel dog, and a Newfoundland dog, or house dog, and *I drove out an immense number of hares; I cannot say the quantity. But they returned, and the wheat was almost filled up every evening with hares.* At the time of harvesting that wheat I valued it, and the reapers also gave me an opinion on it; I have the statement in my pocket as to the damage that I consider I sustained from the game.

5469. Will you read that statement to the Committee? "Michaelmas, 1837, sowed a field of 15 acres to wheat; well tillaged and highly manured; came up well; was much injured by game in the winter, principally hares from adjoining preserves belonging to Mr. Sturt and G. Bankes, Esq., or Henry Bankes, Esq., valued the crop July, 1838." I have omitted to say here, that in the spring of that year I bought £14 worth of soot in the town of Poole, and, as a top-dressing, sowed it over the plants of wheat that appeared to be weakened by the game. I valued the six acres at the further part of the field, a very heavy crop, and a great burthen of straw, 10 sacks per acre, sold at £17 10s. per load, which amounts, I believe, to £105; nine acres was a light crop, injured by the game, five sacks one bushel per acre, which I sold to a miller, Mr. George Belben, of Long Ham Mills, near Wimborne, at £16 per load; that comes to £75 12s. The land most injured lay near a small cover, and was by far the best part of the field, and there was no doubt but the game was the sole cause of the loss in wheat, amounting to £81 18s.; that is upon the grain; on the straw and chaff I valued the loss at £20 5s.; making the total loss on the nine acres, £102 3s.

5470. Was that upon the 15 acres? Yes; but I did not take the straw of the six acres, because I considered that I had a fair crop of wheat and straw and chaff upon the six acres.

5471. Are you prepared to state as your belief, that if it had not been for the game the nine acres would have grown as much per acre as the six acres did? Certainly: then I had also 17 acres of Swedes and turnips, a heavy crop, partly destroyed by hares;

damage estimated at 35s. per acre, £29 15s., making the amount of damage altogether £131 18s.

5472. Did you suffer much in your vetches? I have suffered in vetches, but not to anything like so great an extent, for this year my vetches lie on the other side of the farm, which the game from the covers I have alluded to did not lay so hard on.

5481. Is there a universal complaint of there being too many hares in your neighbourhood? Yes; *there were 70 hares killed in that cover* by some gentleman from Sherbourne and myself, in October and the first week in November last; there were many rabbits killed besides, but I did not number those. *I am not so much injured by rabbits as by hares.*

5482. Do you know any other case of damage in your immediate neighbourhood? I know several.

5483. Is there any one that you can state to the Committee? I have a statement that was handed to me by a neighbouring farmer, a tenant of Mr. Sturt's, on a farm called Deans Leaze Farm; he handed it to me, and I was to make use of it as I thought proper.

5485. Will you read that to the Committee? "A farm taken under the impression that game was not to injure the crops beyond a fair and sportsmanlike extent; generally sown in a four-course system; number of acres 320, arable; rent, including tithe and rates, 30s. per acre; amount of damage noticed on the first year's produce, one sack per acre, of 80 acres of wheat, at 22s. per sack £88 0 0

"Valued by the reapers and their master at harvest, and grown in fields known by the name of Perry Pound, common land, and Deans Leaze field, 90 acres of turnips, one-third of which was totally destroyed, being 30 at 50s. per acre 75 0 0

"Grown in fields called Downley Sheephouze, common land, and Perry Pound ... ... ———

£163 0 0

Besides the damage of lenten crop, clovers, winter tares, and loss of manure, which is the principal dependence of an arable farm, and would amount to a considerable loss had it been valued, which not being the case, I will not venture to assert the amount on supposition; the crop of turnips of the second year's produce were destroyed in a similar manner; the tares and other grain are suffering as before, and must prove to be equally as unprofitable as the first.—*John Hoffe Mitchell*, Deans Leaze Farm, Witchampton."

5488. From your knowledge of Mr. Mitchell's farm, would you be prepared to say that you believe that the statement he has made here is not an exaggerated or unfair statement of the damage done upon his farm? I should be very sorry to say a word that I did not believe to be strictly correct. *I do believe that it is a very just and fair statement.*

5489. Is there any other case you would wish to state to the Committee, of which you have any intimate knowledge? A tenant

of Mr. Bankes has stated to me that he has sustained very great loss this season from game.

5493. What is the name of his farm? Kingston Hall.

5494. What did he tell you about those 26 acres of vetches? He told me that they were very much injured, and that he had endeavoured to keep the hares from it by putting 4,000 yards of tarred rope round the vetches, and part of his wheat. I came from Blandford market on Saturday, and I came by this identical piece of vetches, and there were several hares feeding on the vetches at the time, what few vetches are left on the land; and I passed from that into a field of wheat adjoining on the opposite side, and there were 16 feeding upon this wheat at a quarter past three in the afternoon. I hallooed at them to see if they cared for the tarred rope, but they did not care for it, for they hopped over it one after the other.

5495. Then you do not consider the tarring the rope very effectual in keeping them out? Certainly not: it will not keep them out.

5496. Is there any other case besides that which you can state to the Committee? I have no other particular case of any farm in my neighbourhood except Dean Farm. *The present tenant who is living there is very much eaten up with game*; he succeeded Mr. Saunders, who has been here to-day; he has been there two years.

5497. Do you know whether or not he has been greatly injured by game? I understand that he is about to quit the farm on account of the hares eating him up; on the 20th of April *I passed through the farm, and I counted* 90 *hares in different fields.*

5498. At what time of the day was it? About five o'clock in the evening; I counted 40 on one side of a cover, besides several that hopped into the cover at a distance from me, that I did not include.

5499. Do you believe that Mr. Sturt is in the habit of selling his rabbits? Yes, he has done so.

5500. Do you know any person in the town of Wimborne or Blandford, who buys rabbits of Mr. Sturt? A person of the name of Mark Sims, in the parish of Crichill, has purchased rabbits of him; he stated in my house a short time since, *that he had paid Mr. Sturt* £300 *in one year for rabbits.*

5501. Can you give the particulars of any other year besides that one? Two hundred and seventy pounds another year, and £150 another year.

5502. Did you hear Mark Sims state that? He stated it in my house; he is a carrier; he came to my house to take orders to bring goods.

5503. Do you know a person of the name of Gould, living in that neighbourhood? Living at Blandford.

5504. Does he deal in game or rabbits? In rabbits; very largely.

5505. Have you ever heard the quantity of rabbits which he is supposed during the season to buy and sell weekly? I have heard that he does weekly send off 1,700 couples of rabbits.

5506. Where are they sent to? To London; he has a great many hares; as I go to market I pass by his house on Saturdays, and generally all the season through there are a number of hares hung up in front of his house.

5507. Do you know a place called Highwood? Yes.

5508. Whose cover is that; Highwood? Mr. Bankes's.

5509. Have you any accurate account as to the number of rabbits at any time killed there in the course of two or three days? Mr. Louch told me *that two cart loads of rabbits had been killed in two days.*

5558. What is the amount of all your taxes, including poor's-rate, county-rate, church-rate, highway-rate, and the income tax? From £65 to £70 year.

5559. Are you of opinion that the existence of those game covers and the game in them, in the neighbourhood of your farm, injures you as a farmer to a greater amount than the amount of the direct taxation which you pay? Certainly.

5560. Do you think it is twice as injurious? From the statement I have given, the Committee can see what damage I sustained on nine acres of land in one year.

6561. Supposing you had no power to kill game, what would be the condition of your farm? If I had not the power of keeping the game down, *I would not occupy the farm.*

5568. With your knowledge as a farmer, and as an occasional valuer of stock and produce, are you of opinion that the cessation of game preserving would be a very great relief to tenants, and to the pursuit of agriculture? Certainly; *I do not know anything that is so great a bar to cultivation as the* PRESENT SYSTEM OF GAME PRESERVING.

5571. Have you ever considered the effect of it upon the employment of labourers? I have; and I have no doubt that in the neighbourhood in which I reside, *if the land were free from game, there would be more than sufficient labourers for the employment of the farmers.* Were it not for the game, there would be very general employment for the labourers; the whole of them would be in constant employment.*

5572. Have you formed any opinion as to the effect of game preserving, and the temptations of game, upon the moral condition of the labourers? I have; I believe that poaching, in the first instance, leads to various other crimes; for should they fail at night, should they not be fortunate enough to get a certain proportion of game that they may consider necessary, hen-roosts, and even sheep-folds, I believe, are encroached upon. We have in our neighbourhood various instances of men who are supposed to be the greatest thieves in that part of the country, who are known poachers.

The notion that gamekeepers prevent crime is a game preserver's idealism.

* And productively, too; contrast that with hiring men for the half-savage employment of a keeper or game-watcher.

5659. Mr. ***G. Berkeley.***] Do you think that the keepers act as a protection on your particular farm? *No; I do not say that.*

5660. Do you think that the keepers, generally speaking, tend to the prevention of rural crimes? I am not aware that they tend to that *on the broad scale*, because there are various crimes that are totally unconnected with the keepers.

5661. You have stated that poaching leads to other crimes? I believe it does.

5662. Does the keeper prevent poaching? Certainly.

5663. Then if he prevents poaching, does not he also prevent other crimes? Yes, but they are not appointed to look after those other crimes in every sense of the word; *I should not admit that in the broad sense.*

5664. You say that poaching leads to other crimes; then if the keeper prevents poaching, does not he prevent other crimes? Not exactly; because if he prevents them from poaching, they would perhaps commit other crimes, over which he has no jurisdiction.

5665. You stated that if they fail in poaching they would commit other crimes; supposing the keeper apprehends them when they go out to poach, does not that prevent the commission of other crimes? So far it does.

The next farmer's witness was from Norfolk, where, according to the game preservers, high farming and high preserving go on most harmoniously. Mr. James Chambers, of Beechamwell, occupied 2000 acres of arable land and sheepwalk, and a warren of equal extent, under Mr. Spencer Cowper, and also another farm of 1300 acres, under Sir Richard Sutton. Both his landlords are greatly addicted to game preserving. Mr. Chambers shall tell the history of his wrongs in his own words.

7550. Mr. *Bright.*] Have you experienced upon your own farms evils connected with the preservation of game? Of late I have.

7551. Is that upon Mr. Cowper's farm, or upon Sir Richard Sutton's? On both.

7552. Can you give the Committee any particulars of the nature and extent of such damage as you may have experienced, or may have fallen under your observation? I am not able to say the extent of damage, *but the last few years it has been a very serious sum*; the last two years in particular,

7557. Can you give the Committee any idea about the amount which you have expended in any one year for manure? Some seasons more than others; from £1,000 to £1,500 a year. I expend in artificial composts, and for linseed cake, rape cake, and bones, I think upon the average about £1,000 a year. We cannot produce a crop of turnips without some artificial means.

7558. Have you ever valued yourself, or had any other persons to

value, any damage which has taken place upon any of your farms? No, never.

7559. Have you formed any estimate as to the amount of evil which the game has done to you in the last two or three years? *I considered, last year, that I was a loser of nearly* £1,000 *by the damage done by game.*

7560. In what way was that damage done principally? By the hares destroying the wheat and the leyers, in the early part of the year; for instance, sainfoin and grass.

7561. Did you sustain much damage to your wheat crops? It is the greatest damage I consider that is done to the wheat crops on a light soil.

7562. At what period of the year is that principally? From its commencement; from their biting it so close in the autumn and in the winter. I took the precaution of ploughing in all my Swedish turnips the year before last, and then the hares had nothing after to resort to but my wheat and my leyers, and they bit it so close in the autumn and spring, that it never had a chance to get up, from the dryness of the season last year.

7563. Have you formed any idea of the amount of injury per acre which hares have done to you upon any particular field or portion of your land? No; I have never estimated it, it comes at such different periods. The hare keeps continually biting the wheat as it keeps vegetating, and you can hardly make a calculation as to the damage; but the dry season last year was very much against the growing crop, where it had been bitten off close in the winter.

7573. Have you heard anything of the result of that experiment? He told me that he was trying five rabbits to one sheep, and that the rabbits were the greatest consumers. That was a tenant of the Duke of Grafton's.

7574. That five rabbits would eat more than one sheep? Yes; *but it is not the consumption; it is the damage of hares or rabbits; they do not eat half what they destroy;* they clip off so much, particularly in a dry season.

7575. Where do they clip it off? Just below the ear. I think it is the little knot that is so sweet to them, particularly in the dry seasons. They clip the ear off, and the ear drops. You may gather them by handfuls, in space half as big as this room. I have frequently seen it upon my farm.

7576. Is that rabbits or hares? Hares; rabbits do not range so far as hares. Where there is a great quantity of rabbits you see all the corn destroyed adjacent to a cover.

7577. Have you formed any opinion, or do you know what is the amount of game which has been at any time living upon your farm? *Last year they killed at Beechamwell* 2,500 *hares, and I consider* 2,000 *of them were maintained by myself,* my farm being nearer to the cover than the rest of the parish.

7580. Have you any account of the amount of game which has been killed in one year from your farm at any previous time? I think the average, in the early part of my lease, was about 500

hares. I got that from an old keeper who had lived upon the estate many years.

7639. On that farm of Sir Richard Sutton's, what do you consider your loss from game is, in proportion to the rent? *I lost a great deal more than the rent last year;* I do not know what proportion of damage the game did; it was a very dry season; *I think I lost a rent and a half last year.*

7640. Do you mean to say that you lost all that from game? No, I will not say that it arose entirely from game, but a proportion of it; the season was bad.

7641. With your light soil, are you prepared to say distinctly that on your two farms you believe you lost £1,000 by game last year? Yes, I am.

7642. Do you think there are many other cases in your county where they are subject to the same depredations? Many; the whole neighbourhood, I should say. I can tell you one instance of increase, and that is in my warren; it has an embankment entirely round, and the first four years of my occupation of Beechamwell I used to kill from 20 to 30 brace of hares; last year, upon that warren, I killed above 500 hares. If once they come into the warren, they cannot escape, the banks are so high; they tumble over the banks, and then they cannot escape. Last year I killed nearly 600 hares; I sent 450 to market, and I used to give some to the warreners, and the labourers and their friends.

7643. Have you any agreement by which you are allowed to kill hares found inside the warren? The agreement is, that the game caught upon the warren shall be carried to the Hall, the mansion upon the estate.

7644. Then how came it that you sold it? It was a privilege granted by Mr. Motteux that whatever game I caught upon the warren should be sent to the market; it was always understood that all game which I caught upon the warren I should have, but I never used to send any scarcely before.

7645. Do you recollect riding over 100 acres of turnips, not a very long while ago, belonging to some neighbour of yours? Yes.

7646. Did you observe anything upon his turnips? I observed that there was scarcely a turnip but what was bitten; I bought part of the turnips for my sheep.

7647. What were they bitten by? Hares.

7648. Were they much damaged? Materially.

7649. How much do you think that that attack of the game upon his turnips diminished their value? *I should think half.*

7650. Would it have any injurious effect upon the ensuing crop? Decidedly.

7651. Is it not considered that the turnip crop is the mainspring of the farmer's success in the succeeding year? It is, certainly.

7652. If your landlord was to ask you some day whether you would rather keep five hares running about your field, or keep one sheep penned up and properly kept for him, would you have

any difficulty in making a decision as to which you would keep? Certainly not.

7653. Which should you prefer to keep? I should prefer the sheep.

7654. You would prefer to keep one sheep for the landlord rather than five hares for him? Yes, or two either.

7655. Is there any difference of opinion among farmers as to that? Perhaps there may be; *but I think you would find not one farmer in* 200 *but what would prefer keeping one sheep to five hares.*

7656. How would a farmer justify himself in coming to such a conclusion? From seeing the depredations of the hares.

And, after all, game keepers frequently do their real duties very like amateurs.

7783. Mr. *C. Berkeley.*] Do you think that keepers are a preventative to sheep-stealing? No, I should think not.

7784. Do you think that the fact of there being watchers and keepers on a farmer's land does not generally deter poachers and other people from committing other crimes? My opinion is, that keepers are not so vigilant as they ought to be, generally speaking, especially in the destruction of vermin; *I consider that the keepers are very negligent.*

7785. You think that if they destroyed vermin as they should do they would benefit their employer as well as the farmer? I think they would; *I think if my warreners were not more vigilant in the destruction of vermin than the keepers are, they would have very little game.*

7786. You think it is the duty of the keeper to kill all the vermin which prey upon the farmer's fowls and crops? Yes.

7787. And if they did so it would be a benefit? Yes.

7788. Except foxes? Yes; I am rather fond of hunting myself.

7789. When you took the farm which you rent under Mr. Cowper were there many hares upon it? I asked the old keeper, and he said the average would be about 500 a year killed.

7790. How many hares have been killed since? Two thousand five hundred last year.

7791. Do you think that that large increase arose from the intention of the proprietor, or from the natural goodness of the season? I do not think it was the intention of the proprietor; I think keepers often mislead their employers as to the quantity of hares kept. *My opinion is, too, that there is less trouble required in rearing a great quantity of hares, than there is in wing game;* and that a great quantity of hares, perhaps, takes off the blame of not rearing a sufficient quantity of the other.

The following account of a rabbit-warren is given with hope, that it e'er long will be a curious record of the past; such things

ought not to exist in this country, though infinitely less noxious than game preservers.

7860. Lord *G. Bentinck*: Your farm is all very bad land? Some part of Beechamwell is not very bad land; I can grow, upon the better part, perhaps eight combs an acre in a good season.

7861. But the warren is something like blow-away sand? It would be if it were cultivated.

7862. You state that you kill from 20,000 to 25,000 rabbits upon the warren; what do you sell the rabbits a-piece for? It much depends upon the season. When I first became a warrener, the average would be about 12*s.* a dozen; but latterly the skin is very much depreciated in value, and that reduces the value of the carcase.

7872. But are you not sure that without assistance from turnips or hay brought from other parts, this warren of 2,000 acres would not feed anything like 3,000 sheep a year? *I think not.*

7873. Would it bear 1,000 sheep? They would live in the summer, but there would be no herbage in the winter, unless part of it was cultivated.

7876. Am I correct in assuming that the warren would not carry 500 sheep? They might live upon it.

7877. How many rabbits do you leave as stock in the warren? Twelve thousand; when I took the farm they were valued at 14,000.

7878. Then if you kill 16,000 rabbits, there will be altogether 28,000 on the warren? Yes.

7879. And yet it would only bear 500 sheep? I cannot say; *it is not adapted to sheep in its present state.*

7880. Does it seem clear to you, that instead of five rabbits consuming what one sheep consumes, the truth is that 28 rabbits can live where one sheep lives? *It is not adapted to feeding sheep at all in its present state.**

7881. As it now stands, is there not ample food for 28,000 rabbits, where you state that 500 sheep could not live through the year? They might exist; but in the winter season they could not live the winter through.

7882. But the rabbits are very jolly? Yes; the proper way to put it would be, How many sheep would an acre of grass maintain during the summer, and how many rabbits would it maintain?

7883. Can you state that those 2,000 acres of warren could carry in sheep, and what they do carry in rabbits? I can state what they carry in rabbits; but as to the quantity of sheep it is impossible to say.

7884. Have you ever turned any sheep upon the warren? Yes.

7885. How many sheep have you ever had upon the warren?

* The game preservers' questions remind one of the ostrich which hides its own head and then imagines itself out of sight; so the game preservers blink the question themselves and suppose they have made a point in their case.

A neighbour has a right of sheep-walk on part of it; he puts 20 to 30 score upon it sometimes.

7886. How many have you put upon it? Sometimes I have sixty score upon the warren a day or two; there is a species of white moss, which rises, which the sheep are very fond of *for a few days in autumn.*

7887. Then the fact is, that this warren, *sometimes* in the course of the summer, is carrying something like 1,800 sheep, as well as all the rabbits? *A very short time; it is not the grass that they eat;* it is a species of white moss which rises, and in some part of the warren there is more of it than in others.

7888. Then in point of fact, this warren, which would not carry 1,000 sheep through the winter, does sustain 12,000 rabbits, and at times 1,800 sheep during the summer, and 28,000 rabbits in the winter? They begin to breed about this time. The first cast is now coming up; they generally have two or three casts, and the stock of rabbits is upon the average from 12,000 to 13,000; *I feed them all the winter, and they begin to breed about this time;* and my average, I should say, would be about 20,000 killed upon that warren of 2,000 acres.

7907. Then the rent of the rest of the land is about 6s. an acre? Yes.

7908. Do not you think that £1,000 is a very high estimate at which to put down the damage done by game upon land that is only worth 6s. an acre? The £1,000 is for the two occupations; I consider that the damage done to Beechamwell was between £500 and £600 last year.

7909. That the damage you sustained was equal to the rent? I think it was.

7910. Should you be willing to give Mr. Cowper £1,500 or £1,600 a year for Beechamwell if he was to give you leave to destroy the game? I would not give him anything with the present quantity of game upon it.

7911. If Mr. Cowper would consent to give you leave to destroy the game altogether, would you be willing to give Mr. Cowper an increased rent for the rest of the farm of £500 or £600? *No, I would not; I consider that I am giving a full rent for the land without any game upon it.*

8912. How much would you undertake to give Mr. Cowper for the land, if he made over to you the sole right of killing the game? That is a calculation I have hardly entered into. *I consider that I am giving a full rental for Beechamwell without any damage done by game; it is all its value.*

7913. Then you think that 6s. an acre is as high a rent as the land will bear without game? *Yes; it was advertised two or three years before I hired it, and no one would hire it.*

7914. Are the Committee to understand you to say that you will not give any more rent than you now give, even provided Mr. Cowper will consent to have all the hares killed upon the land? Certainly not.

7915. But if you are correct in stating that the damage done by the hares is £600 a year on Beechamwell, should not you be a gainer by all that amount, less the increased rent? *I am a loser by that amount this year. I lose the whole of my rent.*

7967. Is there not another mode of preserving turnips from the game, and from the frost at the same time, which would be quite as efficient, as far as regards both the game and the frost, and which would obviate that objection of yours about their collecting soil upon them, that is drawing the turnips and piling them? That would have the same effect; they would collect more soil when they are thrown about and dispersed over the land for the sheep to feed them. That is the only way we can preserve them advantageously; there is not the expense of ploughing them in.

7968. You are aware that when the turnips are drawn to be put up in heaps for the winter, they are put up clean in those heaps? Yes.

7973. Is it not the fact, that piling turnips in the way spoken of is a complete security against the game? I should say that it is a security, *but it is attended with very heavy expense.*

7974. The heavy expense consists entirely in the employment of labour? Yes.

7975. Which is extremely beneficial to the lower class of people? Yes.*

Mr. Chambers, as well as his brother farmers, said game cost more than all the local and other taxes.

Mr. Samuel Lock, a farmer living at Barton Bendish, in Norfolk, occupied 460 acres of land, over which that amiable preserver, Mr. Villebois, rented the game.

Mr. Lock detailed the extent of his losses from game, which corresponded with those of other witnesses.

Mr. George Gayford, of Rymer House, near Thetford, in Suffolk, occupied three farms, comprising 1300 acres altogether. His landlords are the Duke of Grafton and Mr. Archer. He had no complaint of injury by game on his own land, though he had observed it on that of others. But he had instituted an experiment for the purpose of comparing the consuming powers of hares and sheep, which is so important, and so completely bears out the opinions farmers had formed upon the point, that we give the details as stated in full.

* This is landlord philanthropy, which would employ the poor at the farmer's cost to protect turnips from the game kept for the landlord's amusement.

8627. Mr. *Bright.*] At what season of the year is it, or at what period of the crops, that hares and rabbits do mischief? From the time it is up till it is fit to harvest.

8628. Is that with respect both to what they eat and what they destroy? Both with reference to their eating and what they destroy.

8629. Do you consider that hares and rabbits are much injurious to the green crops? To every species of crop, inasmuch as they consume a part for their living, and injure some part by cutting the corn down, and by biting the turnips.

8630. Have you taken pains to ascertain in any way the amount which hares or rabbits will consume in a given time? Yes; I have always been amongst hares and rabbits all my life. I occupied a warren at one time. From several statements I have heard made as to the relative consumption, I was induced to try the experiment.

8631. Will you state how you tried it, and what you tried it upon? I took two Down hogget sheep; I divided my slaughter-house, a house that I have for dressing wheat, and for slaughtering occasionally, and at one end of the house I shut up two sheep, and at the other end I put 12 tame rabbits. I measured and weighed the same description of food to each, a variety of food, consisting of oats, bran, carrots, Swede turnips, and cut sainfoin; I gave each all they would consume.

8632. Do those articles include the principal articles which those animals might be expected to eat in their natural state; at all events, do you consider them sufficiently so for a fair trial? It was as far as I could go for the season of the year. Of course, rabbits and hares would feed on the growing corn crops from this time to harvest; and upon the grasses and different things, which I had no opportunity of giving them then.

8633. Your intention was to give it as fair a trial as possible? As fair a trial as I possibly could.

8634. How long did that trial last? Six weeks.

8635. How often did you measure the food which was given to those creatures? When I prepared a quantity of food for each party, I weighed it; for instance, I had a bushel of Swedes cut, and then I weighed them. I set a bushel for each, and when that bushel was finished, I then had another cut and weighed so that each fed out from their own.

8636. Did you weigh the animals themselves before the trial commenced? I put them up a few days, and let each party get settled, and then I weighed the rabbits and weighed the sheep.

8637. Did you weigh them during the trial? Yes. I made them consume up at the end of each fortnight, and I weighed each parcel at the end of each fortnight; that is, I weighed the sheep and I weighed the rabbits.

8638. Have you the result to lay before the Committee? I have.

8639. Will you produce it? (*The Witness produced a Paper.*) I ought to begin by saying, that I tried this experiment in conse-

quence of various reports I had heard and read as to the relative consumption of hares and sheep; being in a large game district, and having myself occupied a warren when I was a young man, I was in the habit of feeding rabbits upon the warren.

8640. When did you begin this experiment? The 15th of March last I put up two Down ewe hoggets, and I also, in the same house, with a division between, put up 12 tame rabbits. Those rabbits I should consider equal to consuming quite as much as 12 hares, being a large sort of rabbit.

8641. Do you think that, in point of consumption, a tame rabbit may be considered equal to a hare? Yes, I should consider nearly so, from the weight of the rabbit, that they would be equal consumers to as many hares.

8642. Will you state the consumption of each? In the first fortnight, in oats, cut sainfoin, bran, carrots, and Swedish turnips, the two sheep consumed 10 bushels 1 peck 7 pints, weighing 17 stone 12 lbs. 7 oz., which I value at 5s. 3d.

8643. Are those valuations at the market price of those things? I took them at about the usual market price; at that particular season they were probably a little more, from the unusual scarcity of the season.

8644. What was consumed in the same time by the 12 rabbits? Of the same description of food, the rabbits consumed 14 bushels 14 pints, weighing 28 stone 8 lbs. 6 oz.; value 7s. 2d.

8645. Did you weigh the animals at the end of that time? I weighed them on the 29th; the sheep weighed 11 stone 8 lbs., and the rabbits 5 stone 12 lbs.

8646. Will you state what was the result with respect to the two sheep at the second fortnight; how much did they consume in the second fortnight? In the second fortnight the only roots they had were carrots; the Swede turnips were done. They had oats, cut sainfoin, and carrots. They consumed 7 bushels 12 pints, weighing 13 stone 4 lbs. 12 oz. I valued that at 4s. 0½d.

8647. What was the consumption of the rabbits the second fortnight? Nine bushels four pints.

8648. Weighing how much? Eighteen stone thirteen pounds four ounces.

8649. The value? Five shillings and twopence farthing.

8650. Can you account for the fact that the consumption appears to have fallen off considerably during the second week? I have made a note that I considered its falling off to have been from a change in the atmosphere; the first fortnight was very cold weather, and the second was not so; they did not eat nearly so much the second fortnight.

8651. Did you weigh them again on the 11th of April? On the 11th of April I again weighed each parcel. The sheep then weighed 11 stone 13¼ lbs., the rabbits 5 stone 13¾ lbs., by which it appears that the sheep gained 5¼ lbs., and the rabbits 1¾ lb. I think it is only fair to state here (for I should be sorry not to state everything that is connected with it), that the rabbits were male and female,

and they did not settle so quietly as the sheep; they were rumpling each other about, and I account for it partly in that way that they gained only a pound and a quarter, while the sheep gained five pounds and a half.

8652. Will you give the Committee the result at the end of the third fortnight? During the third fortnight the sheep consumed of the same descriptions of food, 8 bushels 1 peck 6 pints, weighing 14 stone 7 lbs.

8653. The value? Four shillings and sixpence.

8654. And the rabbits in the same period? Ten bushels 2 pecks 9 pints, weighing 21 stone 4 oz., and the price 5s. 10½d.

8655. Did you weigh them at that period again? Yes.

8656. It appears that they ate more during that week? They increased in consumption then. I weighed them again, and the weight of the sheep was 12 stone 5 lbs., and of the rabbits, 5 stone 9½ lbs. only. The sheep had again increased 5¼lbs., and the rabbits had decreased in weight. But there were two or three of the female rabbits then breeding.

8657. How much had the rabbits decreased? They had decreased 3¾lbs. But several of the female rabbits had then cast their young, and therefore I thought it was no longer a fair trial, and I gave over the experiment.

8658. What is the summary of the three fortnights? In the three fortnights there were, for the sheep, 25 bushels, 3 pecks, 9 pints, weighing 45 stone, 10 lbs. 3 oz.; value, 13s. 9¼d.

8659. For the rabbits? Thirty-three bushels 3 pecks 11 pints, weighing 68 stone 11 lbs. 14 oz.; value, 18s. 2¾d.

8660. Can you give the Committee any case that you have known of a farm upon which a number of hares have been killed during the last winter, and the amount of their consumption, so far as this experiment enables you to ascertain it? After concluding this experiment, I compared it with the quantity of hares I had known to be killed upon a farm in the occupation of my brother-in-law.

8661. What was the size of that farm? One thousand two hundred acres.

8662. What description of land? Light land; about 800 of it is arable.

8663. What number of hares were killed upon that farm during last winter? Over 900.

8664. Were all the hares killed upon the farm? Of course not; there are some left.

8665. Was there sufficient left for a moderate stock? There is not a great stock left; I think there is a stock left such as no farmer ought to complain of; for I think I ought, in justice to his landlord, to state the circumstances under which they were killed. This farm is in Norfolk, and has been held by the family for a number of years, and they have always acted as gamekeepers. The old landlord died, his son wished for a change of the system, put a gamekeeper on, and went to considerable expense, and

reared a great deal of game, and amongst others a great many hares and rabbits, which Mr. Gates complained of.

8666. Mr. Gates is your brother-in-law? Yes: he complained very much of the hares, and after repeated complaints, the landlord, Mr. Long, said, "Well, Gates, we will return to the old system, and discharge the keeper, and kill the hares and rabbits." There had been about 300 killed, and Mr. Gates then killed above 700. Then I said, if 12 rabbits will consume 68 stone in six weeks, how much of my brother-in-law's produce has been consumed by 900 hares, supposing he only kept them upon the average 18 weeks, and supposing they consumed about the same weight of food that I proved those rabbits consumed; if in six weeks 12 rabbits consumed 68 stone, I think in 18 weeks those 900 hares would consume 95 tons 12 cwt. 4 stone, assuming that hares eat as much as tame rabbits, and also assuming that he had to keep those hares, upon the average, 18 weeks only.

8667. Do you consider that 18 weeks is as long as a man may be said to keep the hares upon his farm? I think perhaps it would be; at first they would be small, and would not consume so much; I should think it is as long as he would keep grown hares; he would keep some all the year round, and others only a short time.

8668. Have you made any calculation as to the value of that: If 67 stone 7 lbs. 14 oz. cost 18s. 2¾d. how much would 95 ton 12 cwt. 4 stone cost, of the same food, at the same price? Assuming that they would eat the same food of equal value, it would cost £203 11s. 7½d.; but hares being at large they might consume produce of less or of more value. If they did consume the same weight, I cannot say that it would be of the same value. They might consume produce of less value.

8669. Do you consider that, as far as that experiment goes, you have tried the experiment with a desire to obtain a fair result, and under as equal circumstances as were in your power? As much so as I could possibly do.

8670. Do you think you have, in any degree, rather over than under-stated the case? I have endeavoured, where there has been any doubt as to the expenses, not to saddle the rabbits with it, but rather to take it off, because I wish to keep quite within the mark.

8671. Have the goodness to deliver in your statement of the details of the experiment?

[*The Witness delivered in the same, which is as follows:*]

1845, March 15th.—Two Down Sheep, Housed and Fed against Twelve Tame Rabbits, supposed to be equal to Twelve Hares. The sheep were a year old. Each had all the Food they would eat.

SHEEP.

—	Measure.	Description of Food.	Weight	Price.	Value.
	bsh. pks. pts.		St. lb. oz.		£. s. d.
Consumed by two sheep in a fortnight	0 1 9	Oats	0 12 8	1s. per stone	0 0 10¾
	4 0 0	Cut sainfoin	2 4 0	6d. per stone	0 1 1¾
	0 3 6	Bran	0 11 3	9d. per bushel	0 0 7¾
	5 0 8	Carrots & Swede	13 12 12	6d. per bushel	0 2 6¾
Bshls	10 1 7	St.	17 12 7	£.	0 5 3

On the 29th of March each were weighed:—Weight of sheep, 11st. 8lbs.; and of rabbits, 5st. 12lbs.

—	Measure.	Description of Food.	Weight	Price.	Value.
Consumption of second fortnight	0 2 4	Oats	1 4 0	1s. per stone	0 1 3½
	2 3 0	Cut sainfoin	1 8 0	6d. per stone	0 0 9¾
	3 3 8	Carrots	10 6 12	6d. per bushel	0 1 11¼
Bshls	7 0 12	St.	13 4 12	£	0 4 0¼

The falling off in consumption the last fortnight may in some measure be attributed to a change in the weather, it being much milder the last fortnight.

On the 11th of April each were again weighed:—Weight of sheep, 11st. 13¼lbs.; and of rabbits, 5st. 13¼lbs. Increased weight of sheep, 5¼lbs.; and of rabbits, 1¼lbs.

The greater increase of weight gained by sheep may in some measure be attributed to the rabbits being males and females, consequently did not settle so well as the sheep.

—	Measure.	Description of Food.	Weight	Price.	Value.
Consumption of third fortnight	0 2 6	Oats	1 5 0	1s. per stone	0 1 4½
	3 2 0	Cut sainfoin	2 0 0	6d. per stone	0 1 0
	4 1 0	Carrots	11 2 0	6d. per bushel	0 2 1½
Bshls	8 1 6	St.	14 7 0	£	0 4 6

On the 26th of April each were again weighed:—Weight of sheep, 12st. 5lb.; and of rabbits, 5st. 9¼lbs. Increased weight of sheep third fortnight, 5¼lbs.; rabbits decreased in weight third fortnight, 3¾lbs.

The decreased weight of rabbits is accounted for from their having begun breeding.

RABBITS.

—	Measure.	Description of Food.	Weight.	Price.	Value.
	bhs. pks. pts.		St. lb. oz.		£. s. d.
Consumed by twelve rabbits in a fortnight	0 1 11	Oats	0 13 8	1s. per stone	0 1 0
	4 1 8	Cut sainfoin	2 7 0	6d. per stone	0 1 3
	0 3 11	Bran	0 11 14	9d. per bushel	0 0 8
	8 2 0	Carrots & Swede	24 4 0	6d. per bushel	0 4 3
Bshls	14 0 14	St.	28 8 6	£.	0 7 2

—	Measure.	Description of Food.	Weight.	Price.	Value.
Consumption of second fortnight	0 2 12	Oats	1 8 0	1s. per stone	0 1 6½
	2 2 0	Cut sainfoin	1 6 0	6d. per stone	0 0 8¾
	5 3 8	Carrots	15 13 4	6d. per bushel	0 2 11¼
Bshls	9 0 4	St.	18 13 4	£	0 5 2¼

—	Measure.	Description of Food.	Weight.	Price.	Value.
Consumption of third fortnight	0 3 1	Oats	1 10 8	1s. per stone	0 1 9
	3 1 0	Cut sainfoin	1 12 6	6d. per stone	0 0 10
	6 2 8	Carrots	17 5 12	6d. per bushel	0 3 3½
Bshls	10 2 9	St.	21 0 4	£	0 5 10½

SUMMARY CONSUMPTION OF SHEEP AND OF RABBITS.

SHEEP.

—	Measure.	Description of Food.	Weight.	Price.	Value.
	bhs. pks. pts.		St. lb. oz.		£ s. d.
First fortnight	10 1 7	— —	17 12 7	— —	0 5 3
Second ditto	7 0 12	— —	13 4 12	— —	0 4 0¼
Third ditto	8 1 6	— —	14 7 0	— —	0 4 6
Bshls.	25 3 9	Weighing St.	45 10 3	Value £	0 13 9¼

RABBITS.

—	Measure.	Description of Food.	Weight.	Price.	Value.
	bsh. pks. pts.		St. lb. oz.		£ s. d.
First fortnight	14 0 14	— —	28 8 6	— —	0 7 2
Second ditto	9 0 4	— —	18 13 4	— —	0 5 2¼
Third ditto	10 2 9	— —	21 0 4	— —	0 5 10½
Bshls.	33 3 11	Weighing St.	68 7 14	Value £	0 18 2¾

Mr. William Sewell, of Caldecote, near Swaffham, at the time of his examination, occupied 1300 acres in partnership with his brother, under Sir Henry Bedingfield. He had also managed two other farms at Westtofts, near Brandon, for his father during his life, and since his death as trustee for his family. The landlord of the latter was Sir Richard Sutton. There is the same account of damage given by this gentlemen as by the preceding witnesses of game damage.

8965. Mr. *Bright*] With respect to the damage since you have been upon these two farms; how much do you estimate it at in any one year that you held it, for instance? I have made calculations and found that we have failed very much in our corn, in consequence of the damage done by game; as much as £400 or £500 a year we have suffered at Westtofts, but considerably more when we held the two occupations.

8966. Throwing the two together as one occupation, how much damage upon your whole occupation do you believe you have suffered in any one year? I should think as much in any one year as the amount which I stated as the valuation which was made.

8967. Between £700 and £800? Yes.

8968. Is it your opinion that the valuation of £700 to £800 of damage is over-stated? I think not; the farm would have grown that more produce if it had not been for the game.

8969. Do you mean that it would have grown that more produce from the same amount of manure and expenditure? Yes, with the same management.

8970. At what period of the year is it when the four-footed game, hares and rabbits, are particularly injurious? I consider that they are always at work; they are always doing damage.

8971. Is there always something upon the farm which is valuable to the farmer, which the hares and rabbits eat during the whole year? *At all times of the year.*

8972. In estimating your damage at £700 or £800, was anything estimated besides the grain crops; did that include the turnips, the clover, and the grasses? Certainly, every thing would be taken into consideration.

8973. With respect to the turnip crop, did you when leaving your occupation sell your turnips to Sir Richard Sutton? They were valued to Sir Richard Sutton.

8974. What quantity? Rather better than 300 acres.

8975. What was the amount that he agreed to give you for them in October 1844, when they were valued to him? They were valued at nearly £2 an acre; nearly £600.

8976. Do you know whether those turnips were resold at any time after that? The farm remained unlet from Michaelmas, when we left the turnips till about February, and then the turnip crop was eaten, and it was offered to be sold by auction.

8977. Do you know what price it fetched? I do not know the price; but I know I made a calculation at the time that it lost £200 from the price that the turnips were valued at, and what they sold for at this auction.

8978. Do you mean that they were sold in January or February 1845 for £200 less than they were valued at in October 1844? Yes; I mean that they were worth less.

8979. To what cause do you attribute that falling off in the value? Principally to the hares. *They were some of them fed so that you would have thought that a flock of sheep had been over them.*

8987. Can you give the Committee any account of any restrictive covenants in your agreement? *Yes; we are restricted to reap all our winter corn, the rye and wheat, so as to leave a high stubble.*

8988. You are required to leave a high stubble? We are forbidden to mow it; we are obliged to reap it all, and leave a high stubble.

8989. Is that expressly mentioned in your lease? Yes.

8990. Is it expressly mentioned that you are to reap the corn and not to mow it, for the sake of the game? Yes, for the sake of the shooting; and we are not to suffer stock of any description to go over those stubbles from the time it is harvested till the 10th of October following,* unless it is in the leaving year of the occupation. Then, when a notice has been given to leave, you may take possession of the stubbles on the 20th of September.

8991. Then from the time of gathering in the harvest to the 10th or 14th of October, are you shut out from any occupation of the fields from which the harvest has been reaped? From all the corn fields.

8992. Is there in those stubbles anything that is valuable to the farmer? Very valuable.

8993. In what way? In feeding the sheep. All the dry part of summer, when the sheep want to be got into condition, towards Michaelmas, for putting the rams to them, when they are wanted to be in high condition, we are prevented going on to those lands for three months, and consequently it keeps the sheep in a confined part of the farm, and they lose their condition.

8994. When you say three months, you mean from the end of the harvest to the 10th of October? Part of July, August, September, and part of October.

8995. With respect to sheep and pigs also, is it advantageous to turn them into the stubbles? Pigs get a good deal by shakage of loose corn, broken ears of corn; the pigs would gather it all up.

8996. In case you have to reap your corn instead of mowing it, does it produce a smaller quantity of straw to the farmer? The farmer has the straw left on the land though it is not in his barns, and he has an opportunity after Michaelmas of raking the stubbles,

* Such conditions are an absolute bar to good farming. It is a subject of astonishment how any man can be induced to occupy land upon such terms.

and getting what is left, but it prevents his going on with his harvest so rapidly as he would if he might mow it

9466. Do you find in your district considerable competition for farms? Yes. there is great competition with us for farms even at present.

9467. If it was known that a man died this afternoon who had a farm, how many people would be bidding for it in the course of 24 hours? It would depend upon what sort of a farm it was. *If it was a game farm, perhaps there would not be many applications;** but if it was good land, if it would grow wheat well, there would be many applications for it.

Mr. John William Cooper is the occupier of 1000 acres of land at Sugham, near Bury St. Edmunds, Suffolk. The owner is the Rev. E. B. Benyon, an eager game preserver. He suffered game damage to an immense amount.

Mr. William Morris, now happily occupying 700 acres of land near Louth, in Lincolnshire, uninjured by game, was, for a few years, the tenant of a game farm of the Duke of Newcastle's, at Manton, near Worksop. From this he had the good sense or good fortune to be speedily frightened; his experience added something more to the cumulative evidence against the game system. The duke's farm was 740 acres; the rent was 21s. an acre, and the tithes amounted to from £80 to £90 a year.

10237. Mr. *Bright.*] Do you consider that the rent which you paid for that farm was its full value if you had had the whole farm to yourself, without game? I think more than its value.

10238. Did you find, after being there for some time, that the amount of game upon your farm was considerable, and was increasing? Yes.

10239. Was it hares or rabbits principally, or winged game? All sorts.

10240. Which did you experience most injury from? The hares and rabbits.

10241. Can you give the Committee any account of the injury upon any certain field of your wheat in the last year of your tenantcy? Yes; I had a field of 23 acres of wheat.

10242. When was that? That would be in the harvest of 1843; the damage was so great that I had it estimated by a respectable valuer.

10243. Who was the valuer? Mr. White, of Retford, in Nottinghamshire.

* And I have no doubt that as the game question becomes better understood game farms will scarcely find tenants, or, at all events, tenants of any capital.

10244. Is he accustomed to valuing land and stock? Yes, he is.

10245. What was Mr. White's estimate? I ought to have stated before, that I took some people over it. There was one part of the field not much injured by game, lying near the house, and, looking at that portion, they said I ought to have had 30 bushels per acre in the field round. Mr. White said he thought the game had left me 16 bushels per acre.

10252. Are you persuaded in your own mind that the damage upon that field was not caused by anything appertaining to the seed, or to improper management, or to atmospheric causes, or to worm or smut, but that it arose from the game? *Entirely from the game.*

10270. Can you tell the Committee what was the amount of taxation upon your farm in Nottinghamshire? I think it was somewhere over £100 altogether.

10271. It varied a little? It did.

10272. Would you say that about £100 might be considered the average? Yes; about the average.

10273. Do you recollect how much the poor and county rate was? I think I paid from £60 to £70 for poor and county rate.

10274. Then highway or surveyor's rate? That varied, but one year I paid £23.

10275. Did you in some years pay less than that? I have paid less than that.

10276. Would you think that £20 would be the average? I should think it would.

10277. What would be the average of the church-rate? Perhaps £7.

10278. How much would your income-tax come to? Mine would be £9 or £10 I think.

10279. That amounts altogether to from £100 to £105? Yes.

10280. Could you say confidently that the amount of the injury done to your farm by game exceeded considerably the whole amount of this direct taxation? Yes.

10281. Would you say that, in 1843, £150 was all the damage you received; or that receiving that upon 23 acres of wheat the whole damage upon your farm would be considerably more? Yes; I should say that it might be taken at 5s. per acre over the whole farm.

10282. How many acres? About 740.

10283. That would be £185? Yes.

10284. So that whilst your direct taxation, including your income-tax, was a little over £100, the damage done that year to you by game would amount to £180? Yes.

Mr. Morris confirms what nearly every other agricultural witness had said, that the rent of land on which game is preserved, is usually equal to its full value without game.

10618. With respect to your particular occupation, you stated the damage by game to have been, on the average of the four years, £150 a year; do you consider that if there had been no game, that farm was reasonably or sufficiently high rented? Yes, it was sufficiently high rented; I am certain of that.

10619. If the duke had agreed to destroy the game, or had given you unlimited control over it, would you have been willing to have given more rent than you were giving? No, I would not have given any more.

10620. Then you consider that damage by game to the extent of £150 a year, not to be in any degree compensated for by any lowness of the rent of your farm? No.

The following bit concurs with much other evidence, to show that there can be no modification of the system: preserve one kind of game, and nearly all the evils which affect the farmer will be retained.

10612. Lord *G. Bentinck.*] The Duke of Newcastle does not intentionally preserve rabbits anywhere; does he? No, he does not.

10613. Is it not the fact that the Duke of Newcastle and the Duke of Portland and all your great neighbours do their utmost to kill the rabbits? I know the Duke of Portland does.

10614. Do not you know also that the Duke of Newcastle intends to have the rabbits destroyed? I believe it is his wish to have the rabbits destroyed; *but they cannot do it whilst they keep preserves for the game, because they will not go into those preserves to destroy the rabbits at certain seasons of the year.*

10623. Was there anything in your lease to prevent your trapping the rabbits? I had no lease; I do not know whether there was anything in the agreement. Mr. Wilmot showed me an agreement to sign, to preserve hares and rabbits; but I do not think it was meant to preserve the rabbits, and I said I certainly should not do that, and never did sign an agreement at all.

10624. Had you not the right to kill the rabbits by ferreting and digging? I do not think they would have hindered my doing it on my own farm, but I could not spend my time in ferreting and digging; *they would not have let me send a man to do it.*

10629. Were you prohibited from sending a man to do it? I never asked, because *I was sure it would not have been permitted.*

Mr. Sturgeon, of South Ockenden Hall, Essex, was partially injured by game, but being a man engaged also in trade he insisted on a clause that the damage done by rabbits should be paid for. The effect of such a make-shift was detailed in his evidence. The short result is, that it led him into a law-suit with his landlord.

In the hands of a good farmer rent forms but a comparatively small part of the outlay; yet the game preservers assume that a trifling diminution of rent—if, in fact, given, which is an excepted case—is compensation for all the injury inflicted by game. The expenditure of capital is far more important, and this it is which renders the good farmer more sensitive to game damage than the inferior one.

10943. Mr. *Cripps.*] You say there was £260 of damage in 1841 to the wheat alone, by game and rabbits? I am satisfied that there was.

10944. And the rent was £312 a year? Yes.

10945. And you sold £135 of wheat off that farm in that year? Yes.

10946. And still you do not think that the amount of game had anything to do with the lowness of the rent? Certainly not. I will state the way I farm it; I consume 700 quarters of rice-meal in a year; I consume £500 worth of oil-cake in a year; the rent of the land has nothing to do with it. I have land that owes me £10 an acre; I have had 40 men at work on it all the winter, and now I have 36 boys.

10947. You do not think the rent of a farm is a material consideration? That is the groundwork of it; but what I mean is, that because there was £400 worth of barley on my farm, that is no reason to say that another person does so much; I attribute that to the expenditure of capital.

10948. The great expense of good farming consists in the farming, not in the rent? If a man takes a farm of 126 acres, and if he expends £10 an acre upon it, he will get a return equivalent to it. A good many farmers have land without £10 an acre, and they cannot farm it with benefit to themselves or benefit to the landlord. We buy a great deal of London dung. If I sell £300 worth of barley, that has nothing to do with what I make of the barley; that depends upon what I spend first. I must buy London dung, and other things; I have barges that come down day after day for those purposes.

10949. *Chairman.*] Then the rent of your farm forms a very small proportion of the whole expense of farming it? I consider so.

Mr. William E. Hobson, of Kettleby Thorpe, Lincolnshire, was himself free from the plague of game, but gave evidence of valuations made by him of injury done to other farmers. They are of the same kind as others before detailed, and he expressly stated that game prevents high farming.

Mr. Alexander Gordon, a farmer from Linley, near Broseley, in Shropshire, who occupied a farm under Lord Forrester, was deputed by Wenlock Farmers' Club to give evidence before

the Committee, and gave accordingly some very decided instances of damage.

One almost gets sickened by the unvaried tale of ignorant or heartless oppression to which the industrious farmers of this country are subjected under the game system; but it is necessary for the full exposure of that system that the attention of the public should be called to the full extent of direct damage by game to agricultural property.

Mr. William Woodward, of Piston, near Kempsey, Worcestershire, who occupied 500 acres of Lord Coventry's land and about 200 of his own. He had no agreement with Lord Coventry, but he considered the game to be reserved to the landlord as of course, and that farm was much injured by the game. He also gave accounts of like damage sustained by his neighbours.

Two more farming witnesses, Mr. Gauntley and Mr. Lansdale, gave also most important evidence, from which some passages must be laid before the reader.

Mr. William Gauntley, a land-surveyor and farmer at Bakewell, Derbyshire, had for 13 years valued, on the part of the tenants, damages done by game upon the Duke of Rutland's estate. The Duke of Rutland deserves to be mentioned as an honourable exception to game preserves in general, who devour their tenants' capital without affecting to give compensation. But it will be seen that in this matter good intentions even fail to give complete redress. Mr. Gauntley valued for the tenants, and another gentleman valued for the Duke of Rutland.

13925. Mr. *Bright*.] Have the valuers kept any account of the amount of damage estimated and the compensation which has been paid in consequence of those valuations? Yes.

13926. If there be any such statement, please to hand it in to the Committee? I have drawn up a short statement.

[*The Witness delivered in the same, which was as follows*:]

"The district of game preserve to which the following tables refer contains 3,773 acres of arable, meadow, and pasture land, the property of the Duke of Rutland. The same land is let to tenants in quantities varying from two acres to 256 acres, and is situate in several townships, one adjoining to another, the names of which townships are Haddon, Hartle, Alport, Great Rowsley, Little Rowsley, Stanton, Birchover, Bakewell, and Over-Haddon, varying in value from 7s. to 45s. per acre, and averaging 28s. per acre. It

has been the practice for many years (by the direction of the landlord) to send valuers over such of the lands as were growing corn, to make a valuation of the damage done by game to the corn crops only; but the damage done to turnip crops, lentils, clover-seeds, meadow and pasture, has never been taken into account. The damage done to meadow land in the neighbourhood of the covers may be stated at from 5s. to 20s. per acre. In the summer of 1844 that portion of arable land growing corn *contained* 389 *acres, and the sum of* £916 *was allowed for the damage done by game, as per tabular statement annexed.* In the previous year (1843) 395 acres were in corn, and the sum of £897 was paid for damages, averaging 46s. per acre on the whole quantity of corn land, varying from nothing to nearly £10 per acre.

YEAR 1840.

TOWNSHIPS.	OWNERS.	OCCUPIERS.	Number of Acres in each Farm.	Local and General Taxation.	Acres Damaged.	Loss of Produce in Grain only.	Estimated Loss in Money.	Compensation from Landlord.
						Bushels.	£ s. d.	£ s. d.
Haddon and Rowsley	Duke of Rutland	John Goodie	135	...	29	Oats . 520	84 10 0	84 10 0
Ditto . . .	ditto ...	James Goodwin ...	120	...	23	Oats . 160 Wheat . 36	40 8 0	40 8 0
Haddon and Alport	ditto ...	George Noton ...	128	...	15	Oats . 276	44 17 0	44 17 0
Haddon and Rowsley	ditto ...	John Shaw	124	...	29	Oats . 440 Wheat . 117	118 10 0	118 10 0
Hartle . .	ditto ...	Joseph Shaw	55	...	16	Oats . 158 Wheat . 14	31 5 0	31 5 0
Stanton and Birchover .	ditto ...	Thomas Torr ...	155	...	18	Oats . 360 Wheat . 54	80 2 0	80 2 0
Bakewell . .	ditto ...	Thomas Worrall ...	105	...	6½	Oats . 228	37 0 0	37 0 0
The Preserve .	ditto ...	Total quantity ...	3773	...	320	Oats . 3,408 Wheat . 351	694 0 0	694 0 0

The estimated loss in the game preserve above-mentioned was made out under the direction of the Duke of Rutland's agent, by William Gauntley and John Harrison, land surveyors, Bakewell, Derbyshire.

YEAR 1842.

TOWNSHIPS.	OWNERS.	OCCUPIERS.	Number of Acres in each Farm.	Local and General Taxation.	Acres Damaged.	Loss of Produce in Grain only.	Compensation from Landlord.	Estimated Loss in Money.
						Bushels.	£ s. d.	£ s. d.
Haddon and Rowsley	Duke of Rutland	George Armstrong late John Goodie	135	...	16	Oats . 154	25 0 0	25 0 0
Ditto . . .	ditto ...	James Goodwin ...	120	...	17	Oats . 40 Wheat . 34	20 2 0	20 2 0
Haddon and Alport	ditto ...	—— Modin, late George Norton	128	...	10	Oats . 148	24 0 0	24 0 0
Haddon and Rowsley	ditto ...	Widow of John Shaw	124	...	32	Oats . 150 Wheat . 180	96 8 0	96 8 0
Hartle	ditto ...	Joseph Shaw	55	...	14	Oats . 25 Wheat . 15	10 0 0	10 0 0
Stanton and Birchover	ditto ...	Widow of Thos. Torr	155	...	15	Oats . 56	9 2 0	9 2 0
Bakewell . .	ditto ...	Thomas Worrall ...	105	...	8	Oats . 149	24 4 0	24 4 0
The Preserve .	ditto ...	Total quantity ...	3773	...	342	Oats . 1,632 Wheat . 420	433 0 0	433 0 0

The estimated loss in the game preserve above-mentioned was made out under the direction of the Duke of Rutland's agent, by William Gauntley and John Harrison.

YEAR 1844.

TOWNSHIPS.	OWNERS.	OCCUPIERS.	Number of Acres in each Farm.	Local and General Taxation.	Acres Damaged.	Loss of Produce in Grain only.	Estimated Loss in Money.			Compensation from Landlord.		
						Bushels.	£	s.	d.	£	s.	d.
Haddon and Rowsley	Duke of Rutland	—— Gill, late George Armstrong	135	...	29	Oats . 341 Wheat . 151	110	0	0	110	0	0
Ditto . . .	ditto ...	James Goodwin ...	120	...	18	Oats . 152 Wheat . 75	53	0	0	53	0	0
Ditto . . .	ditto ...	John Housley ...	89	...	26	Oats . 398 Wheat . 87	94	10	0	94	10	0
Alport . .	ditto ...	—— Madin	128	...	16	Oats . 295 Wheat . 45	62	0	0	62	0	0
Haddon and Rowsley	ditto ...	Sarah Shaw, widow	124	...	33	Oats . 320 Wheat . 200	128	0	0	128	0	0
Hartle . .	ditto ...	Joseph Shaw	55	...	20	Oats . 28 Wheat . 17	10	16	0	10	16	0
Haddon and Little Rowsley .	ditto ...	John Tomlinson ...	256	...	16	Oats . 360	54	0	0	54	0	0
Stanton . .	ditto ...	Widow Torr ...	155	...	14	Oats . 256 Wheat . 24	48	0	0	48	0	0
Rowsley . .	ditto ...	George Walton ...	50	...	19	Oats . 128 Wheat . 62	44	0	0	44	0	0
Bakewell . .	ditto ...	Thomas Worrall ...	105	...	13	Oats . 320	48	0	0	48	0	0
The Preserve .	ditto ...	Total quantity ...	3773	...	389	Oats . 3,450 Wheat . 996	916	0	0	916	0	0

The estimated loss in the game preserve above-mentioned was made out under the direction of the Duke of Rutland's agent, by William Gauntley.

13927. What is the extent of the land to which the tables refer? It is stated there at 3,773 acres of arable, meadow, and pasture land, exclusive of wood and plantation.

13928. Is the whole of it the property of the Duke of Rutland? It is.

13929. What is the size of the farms generally; are they very large? They are not very large in general; they vary from two or three acres to 200 or 300.

13930. Do those valuations refer to the whole of the lands, or only to such portions as were bearing grain crops? *To such portions as were bearing grain crops only.*

13931. Was there any valuation whatever made of the damage done to the turnip crops, lentils, clover, seeds, meadow and pasture land? None.

13932. Is it supposed by the valuers, or believed that there has been considerable damage done to meadow lands, especially in the neighbourhood of preserves. *Yes, that is my opinion.*

13933. This return shows a considerable difference in the amount of damage. In 1840 it is £694, in 1842 it is £433, and in 1844 it is £916; is the difference in the amount of the valuation supposed to arise from there being more game at one time than another, or does it arise from the fact that during some years a larger proportion of land was under grain crop than at other times? The great part of the difference must arise from the increased quantity of land in corn. It will be seen from that paper that there is a greater quantity of corn in the latter years than there was in the former years; and I forget what year it was, but the Duke of Devonshire had preserves on the Duke of Rutland's estate; that was at Little Rowsley; that would increase it. I do not know in what year that was, but it was three or four years ago.

13934. Have these valuations ever been disputed by the Duke of Rutland or his agent? Never, that I know of.

13935. Have the sums which are marked opposite the names of these various farmers been actually paid, according to the best of your knowledge and belief, to the farmers? I believe exactly paid to them without dispute.

13936. There is one case of Sarah Shaw, widow, who held 124 acres of land in the township of Haddon, on 33 acres of oats and wheat the damage in 1844 was estimated at £128; may the Committee believe, and is there no doubt that she did receive the £128 as the damage upon those 33 acres? I have no doubt that she did receive every farthing of it.

13937. In that part of the country are the rates generally high or low, the taxation which the farmers bear? I think it varies from 2s. 6d. to 4s. in the pound.

13938. In the cases in which this very serious damage has arisen, does the amount of the loss, or damage, or burden upon each farm included in this valuation amount to as much as the burden of direct taxation? I should think that the damage there stated to be paid would be about the same, or fully as much as the

taxes upon the whole of the property; but there are only 400 acres of corn out of 3773 acres.

13939. This Widow Shaw occupies 124 acres of land in the whole; would the whole of the taxes which she pays upon her land amount to as much as the damage which was done to that land by game, namely, to £128. Certainly not.

13940. If the amount of taxes was from 2s. 6d. to 4s. in the pound, being one-fifth of the rent, does it not follow that in this particular case the amount of the game damage was five times as much as the amount of all the taxes? It must have been a great deal more than all the taxes.

13941. It is more than £1 an acre on the whole farm? Yes.

13942. If all her taxes are not more than 4s. in the pound, does it not follow that the game damage would be five times as much as all the taxes? Yes, I should suppose it would.

13943. May this return which is here made be taken as a return in which John Harrison also has united? Yes, John Harrison has united in that; he has seen it.

13944. It is given in as the return of John Harrison and William Gauntley? Yes.

13945. Mr. *G. Cavendish.*] Though your amount of damage has never been disputed, I believe it was considered pretty high? Yes, the Duke did consider that it was high, I believe.

13946. I believe, in future, another valuer is to be joined with you? Yes, there is another valuer; there were two before, but John Harrison it did not suit to go, and he would go no longer, and I went two years by myself; and Captain Underwood, the agent for the Duke of Rutland, asked me whether I had any objection to another person being joined with me. I said I should be very glad. He said, "I have perfect confidence in you, but I think it would be more satisfactory, as you may be mistaken in your valuation."

13947. I believe the farming in that district, about Bakewell, is not of the very highest order? *I should say it is impossible to farm well in a game preserve.*

13948. Has it not been the custom in that part of the country to grow three white crops in succession? Yes, I should not wonder if it is so; I do not think the system is very good, *but let it be what it would, the rabbits and hares would beat the farmer.*

13949. Has not the custom of growing three white crops in succession been sanctioned by the covenants of the leases on the Duke of Rutland's estate? Yes; it is more than eight or ten years since those leases were made; they were in the habit of taking three or four white crops, and it was thought better not to make the law too stringent lest they should soon break it again; but they are not compelled to take three; *if a man wishes to farm well, he is not restrained by the covenants.*

13950. You assisted in drawing up those covenants? I did.

13954. Some damage is allowed upon the grass land? No; we were told not to value anything for damage upon grass land.

13955. Would not the rather high valuation of damage, and that being confined to the arable land, encourage the tenants to extend their arable land in a county which is not very well suited to corn? Yes, it might do so, for this reason: they get nothing for grass, and they might say, "If I plough up my land, I shall get compensation;" *but there are only* 400 *acres of arable out of* 3,773 *acres.*

13956. Altogether, should you say that the system of valuing the damage done by game is a beneficial thing for farming; does it not rather encourage the tenant to depend upon his compensation for game damage instead of upon his farming? If they express their real sentiments to me, *every one of them would rather that there was no game, and no compensation for game damages, than that there were game, and compensation for game damages.*

13957. Do you think that they would rather have a moderate quantity of game, and have no compensation for game damages? I cannot speak to that; they say, and I believe sincerely, that they would rather have no game, and no allowance for damage made.

13958. Do you know Mr. Greaves, a farmer at Bakewell? Yes.

13959. He is allowed to shoot over his own farm? Yes; that is out of this preserve; the Duke of Rutland's land adjoins other places, where they do not preserve, and that is not taken into account. William Greaves has a farm, and he and his friends shoot upon it.

13960. He preserves a moderate quantity of game? *He has very little.*

13961. He and his friends do kill a considerable quantity? Yes; sometimes they may, when they stray from the duke's preserves.

13962. He is considered to be one of the best farmers in the district, is he not? I do not know.

13963. He is considered a spirited farmer? I do not know what other people think of him.

13964. I believe the Duke of Rutland's estate is a very old one, is it not? Yes.

13965. And the custom generally prevails on that estate of letting the farms go from father to son? Yes; he is considered a very good landlord.*

13966. Without so much regard to the capacity or means of the tenant as would be exercised on another estate? *Yes; the Duke of Rutland is a good landlord in every respect, except this preserving game.*

Some attempt was made by the game preservers to impeach

* This primitive system, which game preservers and proprietors of that sort eulogize so much is, in fact, most detrimental agriculture. Rent is nothing to security; and what farmer would lay out his capital on such a sentimental tenure?

Mr. Gauntley's valuation by references to game books and so on; let the reader judge what they made of it.

14090. Lord *G. Bentinck.*] In the last two years, the time when these valuations were so high, they trusted to you singly; but they are no longer, if I understand you right, content to trust to your single valuation, but they have employed some one to value with you; is that the fact? Yes; but I can show that when I had a coadjutor, John Harrison, when it was 700 odd pounds, it was in proportion to the quantity of corn then and now; there will not be much difference, you may calculate that for yourself: but the proportion is the same, there are so many more acres. There may be something in the price; that I cannot answer here.

14091. In 1840 was not the price much higher than it was in 1844? I cannot recollect these things exactly now.

14092. Was not the difference very nearly 50 per cent. in the price of oats in 1840 and in 1844? I hope you will excuse my answering off-book, because I cannot remember.

14093. But you think there has been some difference of price? There has been some difference of price some years, but I cannot call to my remembrance; I have it all recorded at home.

14094. Are you not aware that in 1840 the rabbits were very nearly double the number that they were in 1844? I cannot remember the years; I only remember this circumstance: Captain Underwood was determined to have them destroyed, and he gave very strict orders and there were a great many destroyed, and in the succeeding year there was £200 less damage to the land in consequence of having destroyed the rabbits; *but in the next year the hares were more numerous than ever; they took the place of the rabbits and destroyed more again; I never saw them as numerous as they were this summer, notwithstanding the Duke has killed so many.**

14095. I dare say you are aware that the Duke of Rutland keeps an account of the game killed? Very likely the keeper, or somebody I believe does.

14096. Should you be surprised to hear that the hares and rabbits together in 1844 only amounted to 4,492, whilst the hares and rabbits killed in 1840 amounted to 8,774; and yet that with a lower price of corn the estimate of damage done was £959, with a less quantity of game, as compared with £710, with a higher price of corn and a larger quantity of game? I do not agree with thee in

* In a pleasant book of sporting travels at the Cape of Good Hope, by Mr. Methuen, lately published, he gives an account of a Caffre battue of quaggas, buffaloes, and so forth, in which the animals had been driven into an inclosure for the purpose; and he remarks, that notwithstanding such vast numbers are occasionally killed, the stock of each kind of wild animal remains undiminished, so long as the Caffres retain possession of the country; but the moment the European settler begins to approach their haunts, with his tillage, his flocks, and herds, the wild creatures speedily cease to exist. Just so would it be with game in this country, but for the unnatural struggle made by the landed proprietors to maintain it inexistence.

the premises; I think it is no criterion at all to say how much was killed in this year, and how much in that; suppose the Duke of Rutland killed a third part in one year, and he left 8,000, that would make 12,000; he has left a good many, because there were never more known at any time than there are now.

14097. So far as your knowledge goes, do not you believe that the Duke of Rutland generally kills as much as he can within the period when he comes to Haddon, and that he generally stays the same period of time? That is better known to somebody else than me; I do not know much about that.

14098. Have not the greater part of the Duke of Rutland's tenantry held their farms from generations back to the present time? I think so.

14099. Is it not the fact that the Duke of Rutland is so kind a landlord that he will continue a bad farmer rather than turn a tenant off? He has been a good landlord in every respect but this; *this is the exception.*

14100. In your mind? *Yes, and in the tenants' minds;* they are of the same opinion: if it was not for the game, *they regard the Duke as a humane man and a kind man;* that is his character; and I dare say, like myself, they wonder why he should take delight in killing animals.

THE DUKE OF RUTLAND'S GAME PRESERVE IN DERBYSHIRE.

Compensation to his Tenants (excluding Two Freeholds) for Damages by Game.

YEAR.	Amount.	Wheat per Load, with Straw.	Oats per Quarter with Straw.	Market Price, with 1s. added per Load and Quarter for Straw.				Amount.
				Wheat.		Oats.		
	£.	s.	s.	s.	d.	s.	d.	£.
1833	No account.	—						
1834	552	20	20	18	6	23	0	577
1835	661	20	20	17	0	24	0	678
1836	487	20	24	20	3	25	9	512
1837	494	20	24	24	2	29	3	606
1838	474	23	23	25	5	29	0	580
1839	721	23	24	27	3	29	0	868
1840	694	24	26	23	6	27	4	720
1841	413	24	26	24	6	24	0	393
1842	433	24	26	22	0	22	0	373
1843	897	24	24	20	0	21	0	761
1844	916	24	24	21	4	23	3	852
	6742							6920

WILLIAM GAUNTLEY.

SUPPOSED ANNUAL VALUE *of the several* OCCUPATIONS *mentioned in a Statement delivered to the Select Committee on* GAME LAWS, *by* WILLIAM GAUNTLEY.

YEAR.		ACRES.	VALUE.		
			£.	s.	d.
1840	John Goodie	135	205	0	0
	James Goodwin . . .	120	177	0	0
	George Noton . . .	128	187	0	0
	John Shaw	124	212	0	0
	Joseph Shaw	55	63	0	0
	Thomas Torr	155	194	0	0
	Thomas Worrall . . .	105	116	0	0
1842	George Armstrong . .	135	205	0	0
	James Goodwin . . .	120	177	0	0
	—— Madin	128	187	0	0
	Widow of John Shaw . .	124	212	0	0
	Joseph Shaw	55	63	0	0
	Widow Torr	155	194	0	0
	Thomas Worrall . . .	105	116	0	0
1844	—— Gill	135	205	0	0
	James Goodwin . . .	120	177	0	0
	John Housley . . .	80	132	0	0
	—— Madin	128	187	0	0
	Sarah Shaw	124	213	0	0
	Joseph Shaw	55	63	0	0
	John Tomlinson . . .	256	430	0	0
	Widow Torr	155	194	0	0
	George Walton . . .	50	74	0	0
	Thomas Worrall . . .	105	116	0	0

Mr. John Landale, a Scotch valuer of land and farming stock, residing near Kirkcaldy, in Fifeshire, and who himself occupies land near a preserved estate was examined. He had valued between some of the tenants of Captain Wemyss, who were entitled, by the terms of their leases, to compensation for game, and the owner.

14147. Mr. *Bright.*] Is your land in the neighbourhood of game preserves? Yes, upon the west of my farm there is a very large cover or preserve.

14148. Is there any estate in your immediate neighbourhood on which the game is very strictly preserved? There is.

14149. What estate is it on which the game is strictly preserved? Captain Wemyss's.

14150. Is Captain Wemyss a Member of Parliament? He is so, for the county of Fife.

14151. Have you been in the habit of valuing game damage on Captain Wemyss's estate? Yes.

14152. For how long? From 1833 to 1842 inclusive, 10 years.

14153. Did you value on behalf of the farmers, or on behalf of Captain Wemyss? I was employed by the tenant farmers.

14154. Was there any one employed by the landlord? Yes.

14155. Who was that? It was for a long time Mr. Dingwall, a celebrated auctioneer; he and I did that business for those years.

14156. Up to what year did you do it together? Up to the year 1840 inclusive, and he then died.

14157. Who valued in 1841 and 1842? Then Captain Wemyss got Mr. Beveridge, a tenant near Dunfermline; he farms under Mr. Hunt.

14158. Did the valuations for game damage extend over all Captain Wemyss's estate, or only over a small portion of it? Only over a small portion of it.

12159. How many farms? There were at first six farms; in the year 1839 one of the tenants left, and after that there were only five farms.

14160. Why did you value over those five or six farms, and not value over the rest of the estate? For the plain reason that the farmers, when they took the farms, had a saving clause in the clause warranting them the payment of damage, if they should suffer any.

14161. Do you mean to say that those five or six farms had a compensation clause in their leases, in case of damage? Exactly.

14162. Have you any particulars of the damage upon those five or six farms to lay before the Committee? Yes; on going along those farms we were obliged to keep correct markings of the damage of every field and every farm, and I have those markings for the 10 years that I was employed.

14163. Have you got them with you? Yes, I have an abstract.

14164. Will you hand it in?

[*The Witness delivered in the same, which is as follows.*]

STATE of DAMAGES by GAME, in the following Years, and on the after-named Farms, on the Wemyss Estate, Fifeshire; owner, Captain Wemyss, M.P.

FARMS.	Scots Acres*	1833	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	The damage on the whole of the farms this year amounted to only £36 10s. 6d.‡
Tullybrake -	220	15 10 6	32 3 3	45 12 2	40 13 0	10 12 6	18 5 0	40 8 6	40 7 6	122 0 0	
Mackie's Mill -	140	11 2 0	20 10 3	39 10 9	23 2 0	11 8 0	13 10 0	†	—	—	
Lockhead -	274	45 11 0	92 8 6	65 16 6	55 4 0	20 10 3	82 17 0	95 13 6	85 17 2	132 13 6	
Bowhouse -	149	71 10 6	10 9 0	92 7 9	68 10 0	25 10 6	83 1 0	198 16 6	117 10 6	210 0 0	
Claydales -	102	26 13 6	10 4 0	17 4 0	20 2 0	9 0 0	23 10 6	52 14 6	34 10 6	92 19 0	
Cowdenlaws -	174	48 17 6	24 14 0	46 11 6	41 14 0	15 16 9	32 14 0	40 8 0	41 17 6	97 13 0	
TOTALS -	1059	119 5 0	296 9 0	307 2 8	249 5 0	92 18 0	253 17 6	428 1 0	320 3 2	655 5 6	

* A Scots acre contains 5760 yards.

† Tenant left, and no compensation allowed to the incoming tenant; compensation clause withheld from the lease.

‡ This was owing to about 2000 rabbits being killed in the month of April, by Mr. Galland, and men employed by him. Mr. Landale discontinued the valuations after 1842, and since then the damage has been estimated by Mr. Melville, from whom Mr. Landale has learnt that, in 1843, the damages were about £400 on the above-mentioned farms, and in 1844, within a trifle of £1000.

14165. You give in this Paper the farms of Tullybrake, Mackie's Mill, Lockhead, Bowhouse, Clagdales, Cowdenlaws? That was the whole at that time.

14166. Are those the six farms on which you valued the damage, from 1833 to 1839? Yes.

14167. In the account for 1839, Mackie's Mill is not included? No, it is not; the crop was disposed of by public sale, and we were never called upon to value that.

14168. Is that the farm which the tenant quitted in 1839? Yes.

14169. Since that time has the incoming or succeeding tenant had any compensation clause on that farm? No; he had none after the other tenant went away.

14170. This valuation of damage goes up to the year 1842? Yes.

14171. Do you know anything of the amount of damage in the year 1843? I was not a judge in that year, but the valuator told me that, in 1843, the damages were as nearly as possible £400, and in 1844, within a trifle of £1,000.

14172. Who was the valuator who told you that? Mr. Melville, a valuator of land in the county of Fife, who succeeded me.

14173. How came it that, in 1842, you ceased to value the damage upon those farms? I had got far into life, and found that the task was too heavy for me, and the tenants and I agreed that I should quit it altogether; I was not able to do it.

14174. Did you find the work of walking through the crops too severe at your advanced age? It is very hard labour; the corn is nearly ripe when we go through it, and the reflection of the sun is excessively warm, and very fatiguing.

14175. What age are you? I am 71.

14191. Have you seen some cases in which whole acres of land have been entirely destroyed by hares or rabbits? In the year 1841, there was a field of 11 acres of barley, and we calculated that it was all gone but two acres; out of the whole 11 acres there were but two acres saved.

14192. Was that very near one of the covers? Yes, it was alongside one of them.

14193. In valuing these damages, did you include damages on grass, turnips, and all descriptions of corn? Corn and all kinds of turnips, *but never of pasture.*

14124. Do you consider that there is no damage done to pasture by hares and rabbits? We think where there is an immense quantity of game, the pasture cannot escape altogether.

14195. You may have heard opinions stated as to the number of hares or rabbits, say hares, which are equal to a sheep in the amount which they consume; have you ever formed any opinion yourself upon that point? There is no certain rules to judge by; but the general opinion is, that from four to five hares roaming through the whole crop are equal to one sheep.

Mr. Landale remarked, as was stated by many of the wit-

nesses, that the landlord farming well and keeping game at the same time, really proves nothing.

14238. Mr. *G. Berkeley.*] You have stated that game preserving militates against good farming; do you mean to say that there is no good farming on Captain Wemyss's estate?' No, I do not say that; but I say when once game is preserved to a large extent, it disheartens the farmers; they cannot go on with the same vigour in their operations.

14239. But you do not mean to state that there is no good farming under game? No, I would not say anything of the sort; but I would state that where that is the case there is not the same remuneration for what they lay out.

14240. You state that Captain Wemyss has remunerated them? Upon those five farms.

14241. Does Captain Wemyss himself farm? Yes, he does.

14242. Does he farm well? Very well.

14243. Can he grow crops in spite of the game? There is not a doubt of it; he grows very fine crops, *and he suffers a good deal from that; but then the land is his own, and the game is his own.*

14244. That makes a good deal of difference, does it? It makes a good deal of difference, certainly.

14245. But he gets very fine crops? He raises very good crops.

14246. In spite of the game? Yes; though he suffers from the game, he raises very good crops.

14247. Do you mean to say that there is not as good farming on the estate of Captain Wemyss as there is on any estate where there is no game? I should say that there is as good farming on Captain Wemyss' as on any other estate; but if a tenant farms ever so well, and if he loses upon his produce £50 or £100 yearly, it must tell upon his operations.

14250. The farmers farm better near the landlord's residence than they do at a distance, do they not? I would not say so; I do not think that good farming at all depends upon being near the landlord's residence.

14251. Do not you think that a farmer is more pleased to farm with his landlord's approbation, than he is without it? I perfectly agree with that; there is no doubt of that at all.

14252. Whom do you rent of? I hold from Captain Wemyss; I am a feuer.

Mr. Pusey, whose authority on agriculture is very great, also spoke of the injury game occasions.

7679. Mr. *Bright.*] In an answer to a former question, you remarked upon the effect of the preservation of game being to generate a feeling amongst the labourers that they were objects of suspicion. Do you consider that the existence of such a feeling on the part of the labourers is calculated to diminish or destroy their self-respect? I beg to say that what I stated referred to what I had done myself,

not to the conduct of other gentlemen. I think that since I have done away with the game, the labourers seem to me to feel themselves free from a suspicion which they lay under before, and that the relations are more comfortable than they were previously.

7680. With respect to gamekeepers, is it within your knowledge that men who have been in the habit of poaching occasionally, are frequently taken into the employment of game preservers as gamekeepers, or assistants or watchers, from their supposed knowledge of the habits of game? I am not aware of the circumstance.

7681. Have you ever heard of a case in which a gamekeeper or assistant received a certain sum for every conviction of a person for an offence upon the estate? I am not conversant with the practice of other gentlemen, and I would rather not speak to it; *but I think, as to gamekeepers, the system has become extremely artificial.* A keeper's life is one of great hardship; he is lying in the snow for four or five hours sometimes in a winter's night; and I cannot look upon the pursuit of pheasants kept under those circumstances as the same sort of thing as the natural sport in a wild country, where the game cannot be taken in any other way. *I do not think that a gamekeeper's profession is at all a profession which is advantageous to his life or character.*

7682. Has it ever suggested itself to you, that the effect of giving the farmer more complete possession of his land, with respect to all that lives upon it, and relieving him entirely from this evil of game, would tend to raise his character as well as that of the labourer, and to generate in him a more manly and independent spirit? I would rather not speculate upon the effect of any particular circumstance upon the characters of a class of men; but I have no doubt that a tenant, where game is highly preserved, *must feel considerable irritation upon the subject, which he suppresses from good feeling towards his landlord.* It is a degree of annoyance to him, as I said before, independently of the loss, when he has been at great pains in putting in his crops, to find animals, over which he has no control, helping themselves wherever they please. *It must take off his pleasure in looking at his farm;* and it would be a great source of satisfaction to him to find, that whatever exertions he made were not interfered with by means over which he had no control.

7683. With respect to the relation between the tenant and the gamekeeper, do you think there is anything unpleasant to the tenant in having persons constantly passing and repassing over his farm, over whom he has no control, and who may be supposed to be to some extent perhaps a watch upon himself, or his sons, in case he should be known to have a gun or a dog? I should think that the chief cause of complaint on the part of the tenant against the gamekeeper is the encouragement of rabbits for his own private profit, which alone is a serious evil, in which the landlord has no interest, but the contrary; but many landlords find that it is impossible to induce their tenants to do away with rabbits. The keeper will tell his master that it is impossible to do so; I found that

myself. The keeper had told me for a long time that it was impossible to destroy the rabbits upon the land. I set another person to destroy them, who caught 700 rabbits. The keeper then thought that he should lose all the rabbits, and he caught about 2,000 in six weeks time.

7684. *Chairman.*] Did you give the keeper the rabbits? I did.

7685. Is that a universal rule? I do not say that it is universal; but it is very common for the keeper to have them, and it is very difficult for the landowner to prevent the keeper from taking the rabbits.

7686. Mr. *Bright.*] In that case the Committee may presume that the gamekeeper has a direct interest in opposition to the interests of the farmer? And the landlord too; I doubt whether any regulation made between the landowner and the keeper as to the appropriation of the rabbits will be effectual.

7687. *Chairman.*] If the landlord takes the rabbits himself, what interest has the gamekeeper in keeping up the breed? I doubt whether the landlord can prevent the keeper from appropriating the rabbits.

7688. Is it more easy for the keeper to sell rabbits than to sell hares? No, I do not suppose that it is more easy.

7689. Then that would apply to all game, as well to rabbits? That would apply to all game, but rabbits are much more easily multiplied than other game.

7690. Do you think that a gamekeeper whose master takes the rabbits for himself would, under ordinary circumstances, have an opportunity of disposing of such a number of rabbits without observation as would give him a considerable interest in the preservation of the breed of rabbits on the estate? I doubt whether it would be in the landowner's power to prevent the keeper from making money by the rabbits. In many instances I know that the landlords have had great difficulty in preventing their keepers from encouraging rabbits.

7743. Mr. *G. Berkeley.*] You say that it is impossible to grow winter vetches where there is game to a great extent, yet you say that you are aware that game is preserved and farming also followed to its highest extent in Norfolk; do you mean to say that they do not grow winter vetches in Norfolk? I do not think I said that it was impossible to grow winter vetches. What I said was this: that my principal tenant had given up the growth of winter vetches whilst there was that quantity of game, and that as soon as the game was abolished he began to grow them again: and on another farm, where there had been twelve acres of winter vetches, half of them were destroyed.

7744. Might not that have arisen by damage done by the rabbits? No; this was clearly done by hares. It was at a great distance from any cover.

7745. Do you think it possible that a gentleman may amuse himself with moderate preserves of game, without following it quite to the extent to which you admit that you did, and that he may

amuse himself with a moderate stock of game and not injure his tenants to any great extent." Certainly; but it is difficult for owners of small properties to keep up game now, unless in a neighbourhood where all equally preserve.

The immense destruction of agricultural produce, shown from the foregoing extracts to be occasioned by game, is an evil of national concern; and when it is remembered that the practice of game preserving is extending, that most large landed proprietors preserve game and the smaller ones are endeavouring to do so, and that our growing population daily demands an increasing supply of food, few can doubt that the prompt interference of the legislature is required.

CHAPTER III.

GAME PRESERVING HAS A MOST INJURIOUS EFFECT UPON THE INDEPENDENCE AND COMFORT OF TENANT FARMERS.

The reader will have seen something of the restrictions under which tenants are placed to protect the game, in the extracts taken from the evidence of preservers under a former division. I here shall let them tell their own tale. The gamekeepers and game watchers are constant and natural sources of annoyance to the farmer. Who could feel himself master of his own farm when dogged about by a gamekeeper?

57. Mr. *Bright.*] Are you aware whether farmers where game is preserved are subjected to annoyance, and insolence, and depredations, and inconvenience of various kinds, from the presence of the gamekeepers? Yes.

58-9. Do you recollect any particular cases? When I had the farm I have mentioned, I was in the habit of firing off powder to shoot off the crows, and the gamekeepers would be running after me and watching me, and *I consider that a man following you when you are about the business of the farm is a considerable annoyance.*

179. Mr. *G. Berkeley.*] You state that you conceive that the preservation of game is hostile to the independence of the class of farmers generally; on what do you form that conclusion? I consider that whenever a person happens unfortunately to get into a farm where game is preserved, it is not all farmers that are enabled to shift out of a farm, consequently they are obliged to remain in in that state, and their property is decreasing yearly.

180. Do you mean independence of station, or independence of pocket? As regards pocket and station too.

181. You think they go together? I think they will.

182. You state that you think it impossible to bring landlord and tenant together with respect to game, and you particularly alluded to noblemen; do you think it impossible to bring a tenant and a nobleman together, as landlord and tenant, with respect to game? I do not say it is quite impossible; I do not think a tenant ever would wish to annoy a landlord as regards a fair quantity of game being kept, although it would do injury to a certain extent. We only complain where a quantity is preserved, *to the great injury of the cultivation of the soil.*

183. Who do you think ought to be a judge of the quantity of game

that should be kept, the landlord or the tenant? I should say that it might be ascertained by indifferent parties; parties between the two.

232. Mr. *Villiers.*] Did you quit the first occupation you have mentioned in consequence of any dispute about the game? Yes.

233. You quitted your farm in consequence of the annoyance that the game occasioned to you, and the dispute that arose between you and your landlord upon that subject? The game was the principal cause, and the right of way was another cause.

237. Game was preserved where you held under Lord Bute, and it is not preserved where you hold now? It is not preserved where I hold at the present moment.

238. Then you are competent to judge of the difference between holding under a landlord who preserves game, and under one who does not? I am.

239. How long have you been a farmer? All my lifetime; I was bred a farmer, and I followed it all my life, with the exception of one year and a half. After leaving this farm, I *said I never would become the occupier of land again if I could find any other occupation*, and I then came to London and bought a brewery; I was here about a year and a half.

252. You have been asked about barley bought to feed game; do you, as a farmer, consider that any compensation for the mischief that the game does? No, not at all; because it is only purchased for the game when the farmer's is all consumed.

253. What would become of that barley if the landlord did not purchase it for his pheasants? The barley I have sold in that instance I should have sold for making malt.

256. Do you say that the land would be better cultivated, and that persons of more capital and skill would engage in farming, if it was not for the game? Yes.

257. You have no doubt of it? Not the slightest doubt.

258. And you believe that all the consequences that follow from game preserving produce a greater annoyance to farmers? I do.

259. With reference to the spy system, by people coming upon the land connected with the landlord, to see the state of the game, you consider that a great annoyance? It is.

260. It produces ill-feeling between the tenant and landlord? *It always does where game is preserved.*

267. Mr. *Burroughes.*] With regard to the compensation given to them for taking care of the partridges' and pheasants' nests, is not it in your power to control your own men upon your farm? We cannot always be with the men.

268. Cannot you pay them so as not to make it worth their while to look out for those gratuities? We pay them; but when they are weeding the corn fields, they run against a young hare or a pheasant's nest; the keeper comes round, and then they tell the keeper, "I have found a partridge's nest." "Where is it?" and then the keeper is taken to the place. What I complain of is, that those men, when you are gone to market, will send for bottles of beer, and spend the money they have received from the keeper in that way.

554. Mr. *G. Berkeley.*] You said in your first examination, as regarded the gamekeepers, that they are always following you about the land, and that you are unpleasantly watched by them? I said, in many instances.

555. You have since said that the gamekeepers are never sufficiently about your premises to be any protection to your fowls and other property? I do not believe they are.

556. Then how do you reconcile that with the statement you made, that whenever you go out with a gun you are unpleasantly watched by the keepers? That is generally in the field at a distance, a mile away from the house, *when you go to shoot the crows.*

Mr. Nowlson spoke strongly upon the social degradation inflicted by the game laws on tenant farmers.

Mr. Houghton tells the same tale.

Mr. Hayward came in collision with the gamekeepers from bird keeping.

Tenants, though suffering from game, are slow in complaining; they do not like to be thought grumblers, as was pointedly said by Mr. Pusey in reply to questions by the game preservers, which contained insinuations against the good faith of farmers' complaints about game.

7728. Then it must be the fact, that unless the tenant expressly assigns the game to his landlord, the game upon the land belongs to the tenant? The tenant makes in that respect what bargain he pleases, no doubt, when he enters upon the land, but still if game is increased to an excess it is a very different thing for a tenant to refuse to enter upon a farm, and to give up the farm when he has once entered upon the cultivation.

7731. Mr. *G. Berkeley.*] When a tenant makes an arrangement with his landlord, as regards the game upon a farm, is it not the custom for the tenant to ascertain what amount of game there is on it? I do not think tenants generally scrutinize that minutely. A tenant, when he is about a farm, may be eager to take it, and I can easily conceive that a case of hardship might arise in this way; if he takes it on a lease, and finds a moderate quantity of game, he might leave the game to his landlord rather than lose the farm, but the game might be increased to an unlimited extent in the course of that lease, and he would have no remedy. That might easily happen where the landlord became an absentee, and the game was let to a third party.

7732. Is not it in the tenant's power to stipulate that the game shall be confined within the limits of the extent to which he finds the land stocked when he takes the farm? It is in his power to do so, but it would be very difficult to define those limits; and, besides, a tenant when he wishes to take a farm would be unwilling to pro-

pose any stipulation which *implied a want of confidence in his landlord.*

The following account, by Mr. Saunders, of a dispute with the keeper is a specimen of the kind of annoyance farmers endure from game.

5376. Mr. *G. Berkeley.*] Have you any sons? Yes.
5377. How many? Two.
5378. Did they ever get into hot water about the game? No; the keeper went up once with a most infamous story to Mr. Sturt; my son shot at a rat just in the evening; the keeper went up and told Mr. Sturt, and he mentioned a certain place where my son shot off the gun, and it was proved by a man who was standing there at the same time, that he was not within two furlongs of the distance of the place where he said he fired the gun.
5379. Where was he when he fired the gun? About a furlong and a half from my house.
5380. Where was the rat supposed to be? Near to some ricks.
5381. How near was he to the rick? Within 20 or 30 yards.
5382. Did not the rabbits and game come out close to the ricks? Perhaps they did.
5383. What happened after the keeper reported it? The keeper took away the gun from him.
5384. What happened then? My son followed him up; the keeper went to Mr. Sturt and told him, and the keeper was told to bring the gun back again.
5385. What was the keeper's name? Shave.
5386. How long was it after that before you spoke to the keeper Shave? *I do not know that I have spoken to the man since*; I went up to Mr. Sturt the next morning, because I was not satisfied about it; Mr. Sturt was very short about it, and he seemed to be very well satisfied; and he said that if he had shot a pheasant he should have taken no notice of it; he made very light of it; *I do not know that I have spoken to Shave since.**
5401. Mr. *Bankes.*] Do you hold under any written agreement? Yes.
5402. Is there anything respecting game in this agreement? I am not to destroy the game, but we have nothing more than partridges, and Captain Foster shoots over it. Mr. Balstom gives Captain Foster the leave to shoot over it. I have a right to kill all the rabbits. There is a rabbit warren in the cliff, and that is my right.
5403. Do you rent it? That is let with the farm. I let the rabbit warren.
5404. To whom do you let it? I let it to a man of the name of Bags; he has had it many years; he rented it of Mr. Balstom

* Yet this man had the indirect power of controlling all the witness's farming operations.

when he occupied the farm, and he rented it of the last tenant, and he rents it of me.

5405. What does he pay you for it? £15.

5406. The rent of that warren is included in your rent? Yes.

5407. Then are rabbits numerous in the neighbourhood? Not more than in the warren in the cliff; we cannot destroy them there.

5408. You were aware of that when you took the farm? I was aware of the warren; and I knew that I had the right to let the warren, *and I did not fear the damage as I did when I had no chance of killing them.*

5421. This dispute which you had with Mr. Sturt's keeper; how long was that previous to your giving notice to quit? I believe it was after I gave notice to quit, but I will not speak positively to that; but I never had any dispute with the keeper. After the dispute with my son, I never spoke a word to him, good, bad, or indifferent about it.

5422. Lord *G. Bentinck.*] You said that the average damage done by the game to you amounted to about £150 a year, and you would have given £100 a year more for your farm if it had been free from hares and rabbits; did you ever offer Mr. Sturt £100 a year more for the farm if he would allow you to kill all the hares and rabbits? No; I do not suppose if I had offered Mr. Sturt £500 a year he would have taken it.

5439. Mr. *Bright.*] You stated that your son was charged with having shot at some game, although he had only shot at a rat. Then you stated that the keeper took the gun away from your son? He did.

5440. What age was your son then? He was about 18 or 19.

5441. Was it his gun or yours? My gun.

5442. Did the keeper ask him for it civilly? I did not see him; I did not happen to be at home in the evening; if I had he would not have been out with the gun.

5443. Did he ask him for it, or did he force it out of his hand? He wrenched it out of his hand.

5444. Where did he take the gun to? He took it to Mr. Sturt.

5445. When did you get it back? The same night; my son followed him up to Mr. Sturt's. The keeper went up to Mr. Sturt's, and saw Mr. Sturt, and Mr. Sturt told him he was to bring the gun back again. I did not happen to be at home that evening, nor yet his mother, and I was very sorry for it, and I went up to Mr. Sturt's the next morning, and he made very light of it; he would not talk anything about it, and he said, "Saunders, I should have taken no notice of it if he had shot a pheasant."

5446. It is common for gamekeepers to interfere with tenants or their families in matters of that kind, and to be meddlesome and impertinent? That is the case with some, but till the keeper came that Mr. Sturt has got now, I never had any dispute about the matter; there was nothing at all until the last three years I was there, and that man seemed very arbitrary.

5447. Are you of opinion that the gamekeepers in thus inter-

fering have caused disputes between landlords and tenants frequently? *It is very frequently the case.*

5448. Do you know whether it is their practice to shoot dogs or cats belonging to tenants? They frequently kill the cats, and there have been complaints about the dogs; but I never had a dog killed, but we frequently had our cats killed; *they would bait the traps close home for the cats.*

5449. Where were the cats caught? In the cover, close up to the yard.

5453. In passing through different parts of the country, have you formed any opinion as to whether game does considerable damage to many other farmers besides yourself? No; I do not know that ever I interfered anything about it; *I was always disgusted enough at my own, that I did not interfere much with other people's.*

5762. Mr. *G. Berkeley.*] How should you be able to say whether those bad places were produced by game or by other causes? If there were parts of the field standing as wheat, of course, if I was called in as a stranger to value the crop, I must to a great extent rest on the testimony which I received from the farmer as to the management of the soil, as to his sowing it, and as to its coming up after that. I should suppose that, from the statement he gave me, I should be competent to judge what the deficiencies were, and I should see what was standing on the land as a crop.

5763. Then you must rest your judgment in the case upon the report of an interested party? So far I should have no other source, as a perfect stranger called in.

5764. Would you consider that to be sufficient ground on which to form a sound judgment as regards such a transaction? *I should hope that an honest farmer would make a fair, honest statement.**

5765. Supposing he is not an honest farmer? It would not be for me to judge.

The tone of the game preservers on the Committee towards the farmer witnesses may be supposed to indicate somewhat of the general spirit which a passion for game begets.

And a similar petulant inquiry, at a later stage of the inquiry, drew down on the questioner the following just rebuke from Mr. Pusey.

7707. Do you think that if there had been many hares or rabbits on the land when this happened, some farmers would not have been well pleased to have assigned the loss of crop to the stock of game? I should be sorry to impute to the farmers generally that they assign fictitious causes for their loss of crops; I see no reason for the imputation.

7708. In your own knowledge are you not aware that men are

* This sort of imputation on farmers was the usual refuge of the preservers when damage by game was proved.

very much inclined to charge their losses against what may be a tangible source of remuneration, rather than to lay it upon any natural cause, or the failure of their own efforts to produce that which they desire? I think the honourable Member is as well able to judge of human conduct generally as I can be.

Mr. Shittler also mentioned instances of annoyance from keepers.

5813. Mr. *G. Berkeley.*] You have stated that the gamekeepers shoot dogs and cats; have you lost many? I lost a dog.

5814. How do you know that the gamekeeper killed it? It went from my house when they were shooting in Mr. Sturt's covers; it was seen by my men to go across to them in the cover; I sent my man for it, and it could not be found. The next morning the man found the dog buried in a rabbit's earth, in a cover belonging to Mr. Sturt, with a hole bored through its body with the shot.

5854. You took a petition against the game laws to Wimborne, to get it signed? I did.

5855. Did you take that petition to the market-room? Yes.

5856. Did you solicit the farmers there to sign it? I laid it on the table, and stated to them that it was for them to read it and sign it, if they thought proper.

5868. Have you been an enemy to game all your life? I am not an enemy to a fair quantity of game now.

5869. What do you call "a fair quantity of game?" That that would not injure the farmer to a great extent upon his land.

5870. Is that little or none? I suppose a little game every farmer would be pleased to see, for the amusement of gentlemen.

5871. What does a "little game" amount to? It is not for me to draw the line exactly: that which would *not sufficiently injure the farmer to make him complain, I should say, would be a little quantity.*

5875. Did you ever hear the labouring poor in your vicinity complain of the administration of the game laws? I have not heard it in any instance in particular. It is generally considered that for the crimes for which a poacher is sent to prison, there is greater harshness than if the same man went to steal a bundle of sticks out of my hedge, or a bag of turnips out of my field.

5876. Are these laws most unpopular with the people whose vices they restrain, or with the respectable classes in the neighbourhood? I think they all feel alike, as far as regards the game laws.

5932. Lord *George Bentinck.*] You stated that you drew up that petition which was signed by 500 farmers? Farmers and traders.

5933. Will you be so good as to state what are your notions of the alterations that should take place in the game laws? I cannot state that. We only point out to a certain extent, the evil which we believe to arise from the present system, and we leave it to the

gentlemen of the House of Commons to make what alteration they think proper.

4934. Do not you know what you want yourselves? We want an alteration; we want less game; less annoyance; less injury from the game.

5935. What is the alteration you desire? A less quantity of game.

Mr. Chambers speaks of the insolence of gamekeepers.

Mr. Lock had a good deal to say on the effect of game on a farmer's comfort.

8165. Mr. *Bright.*] Do you consider the circumstance of game preserving to be favourable to the independence of the farmer or otherwise? It certainly is not.

8166. Is it otherwise? Certainly.

8168. Have you a son grown up? Yes.

8169. Has he ever got into any difficulty in connexion with this question of game? I am sorry to say that he has; at least he was put in difficulty, he did not get himself in.

8170. Can you give the Committee a brief statement of the circumstances attending it; in what year did it happen? In 1839.

8171. What was it that your son was charged with? He was charged with being sporting. There were two charges, one of which was that at a certain time he shot at a partridge, and another was that at a certain time he was beating for game.

8172. Was it on your farm? Yes.

8173. By whom was the charge made? I do not know.

8174. Who laid the information? A police officer.

8175. Who gave evidence before the magistrates? A man of the name of Rudd, a gamekeeper of Mr. Villebois.

8176. Did you attend the court on that occasion? I attended the petty sessions.

8177. Where were they held? At Downham Market.

8178. At an inn? No; they were held at the chambers or rooms of the clerk of the magistrates.

8179. Who was on the bench on that occasion when this case was brought forward? I beg to say that every memorandum to which I am referring now was written above five years ago. Part of them have been submitted to my landlord, and part of them have been submitted to the Chancellor of the Exchequer. The whole facts which I am about to state were written down nearly six years ago, and have been submitted to those parties.

8180. Will you state who were the magistrates that attended the court on that day? Mr. Bagge.

8181. Is Mr. Bagge a Member of Parliament? Yes; Member for West Norfolk.

8182. Who else? The Rev. Arthur Loftus, and Mr. Bradfield for a very short time, but he very soon left; and the Rev. Mr.

Townley also, who left as soon as the proceedings commenced; and Mr. Villebois.

8183. At that time had Mr. Villebois, in fact, the shooting over your farm? Yes.

8184. Did Mr. Villebois's gamekeeper give evidence? He did.

8185. When the case was commenced was Mr. Villebois sitting in his ordinary place with the other magistrates? He was.

8186. Did he make any observation with respect to the case as it was going on? He did.

8187. Do you recollect what he said? Yes. The information was laid by a police officer. I was attending for my son. I may state that I was prevented getting the assistance of a barrister because of the Lynn sessions; I therefore was obliged to put such questions as a common farmer is able to put. I asked the police officer who directed him to lay the information. The man refused to tell me, or hesitated. Mr. Villebois told him that he had no right to answer the question, or that he was not to answer the question, or words to that effect.

8188. Did the other magistrates interfere then? I spoke of his sitting on the bench both as prosecutor—which I considered him to be—and as a magistrate too.

8189. Until you made that observation, did the other magistrates object in any way, or interfere as to his taking any part in the matter? Not till after I had made that observation.

8190. Did Mr. Villebois then remove from the place where he had been previously sitting? Yes.

8191. To what part of the court did he remove? He removed from the part of the table where the magistrates were sitting to a seat on one side.

8192. A little apart from the other magistrates? Yes; the magistrates were sitting before me, and Mr. Villebois in the centre, with the clerk at a desk at the corner, on a level with the table at which the magistrates were sitting, and Mr. Villebois moved and sat in the clerk's place.

8193. Did Mr. Villebois, after he had removed, interfere and make any remark during the progress of the case? He did make some remarks.

8194. Was your son convicted? Yes.

8195. Was he convicted of having fired at a partridge, or of having been beating in search of game? He was convicted of having fired at a partridge.

8196. What was the amount of fine imposed? £2.

8197. Were there any expenses? Yes.

8198. How much? I forget; under a pound, I believe, but I forget the exact sum.

8199. Did you give notice of appeal? I did.

8200. Was the appeal prosecuted? No.

8201. Why not? Because I was given to understand by the magistrates present, that if I did not prosecute the appeal no ulterior

proceedings would be taken, as to charging him for the game certificate, or any other expenses incurred.

8202. What ground had you for understanding that? The declaration of the magistrates themselves, or rather, I should say, perhaps, the magistrates' clerk. I left the magistrates in consultation after I had given notice of appeal, and Mr. Villebois with them; and when I came back the magistrates' clerk advised me to drop it. He said that there would be no ulterior proceedings, and I stated to the bench that on an understanding that no other proceedings were taken, I was willing to withdraw the appeal. The bench of magistrates all heard both him and me; and at all events they did not contradict it.

8203. After that was there any surcharge on the ground of your son's not having a sporting certificate? There was.

8204. Do you know by whom the information was laid? Yes; it was laid by the assessor of taxes at Lynn. Vickers, I think, was his name.

8206. Did the case come before the Commissioners of Taxes? It did, after my twice attending.

8209. Who were the commissioners that were there; can you give their names? Mr. Bagge, the Rev. Edward Howman, Mr. Villebois, the Rev. Arthur Loftus, J. Bradfield, Esq., the Rev. Gale Townley, and a gentleman of the name of Jones. I do not know his other name.

8213. Did it appear to you that Mr. Villebois upon that occasion sat as the senior or presiding commissioner? He sat in the centre, and he certainly took a part in the proceedings.

8214. Did he give the judgment? I cannot state whether he did or not; part of the time he was addressed as chairman, or he was referred to as the senior magistrate; but I do not know who gave the judgment.

8215. Are you prepared to state without hesitation that Mr. Villebois was sitting with those commissioners on that day, and that he took a part in the case of surcharge brought against your son? Most decidedly.*

8216. Are there many keepers on your farm? There are two. There are three keepers on that part of the manor, but one of them seldom or never comes near my farm.

8217. Has it come to your knowledge in any way that a gamekeeper or gamekeepers have been in the habit of watching very narrowly your proceedings, or the proceedings of any portion of your family, with respect to game upon your farm? *This man Rudd, on his oath, stated that for two years he had been constantly doing so.*

8218. That he had been watching your son? Yes; I have the question that I put to him then, and his answer.

* Mr. Villebois afterward gave a very loose, and the justices' clerk a very cautious, contradiction to some of Mr. Lock's statements, and I cite this passage without striking the balance of credibility, but to show the state of feeling game often creates.

8219. Is your son rather fond of sporting? Not at all; he has business to carry a gun about the farm to destroy vermin, but not sporting; I never knew him go out a day sporting in my life.

8220. Was it because he carried a gun occasionally to drive off crows or wood-pigeons that the gamekeeper suspected him, and thought he possibly might kill game? I cannot say.

8221. Was not the gamekeeper acting in the discharge of his duty in watching either you or your son, or a labourer, or anybody else who carried a gun? I do not know whether it is the gamekeeper's duty or not.

8222. Do not you suppose that it is the duty of the gamekeeper to take care that the game is not destroyed by anybody? I do not think it is anybody's duty to watch another when he is about his business, systematically, as he swore he watched my son.

8223. You object to it upon the ground of its being done systematically? Yes, if you ask me my opinion.

8224. Do you feel it, and do you believe that many farmers feel it to be a source of uncomfortableness that they should have a spy upon their conduct and upon that of their family? Certainly. *I have heard frequent complaints made by the farmers at the market-room of that.*

8225. Is there much good feeling between gamekeepers and farmers generally? Not much, I believe.

8226. Do you know whether some farmers are in the habit of taking means to keep on good terms with gamekeepers by means of a little douceur or bribe? I am afraid that some are mean enough to do so.

8227. Do you know whether gamekeepers are in the habit of destroying dogs or cats belonging to the farmers or labourers, or people in the neighbourhood of game preserves? It is a great nuisance that we are infested with rats, and we can seldom keep a cat but what is trapped. I have not had any dogs for years, of any kind.

8228. Then taking off the duty on dogs was no relief to you as an agriculturist? No, it was not; my shepherd has a dog, but I have no dog of any description.

8229. Is it your opinion that the practice of letting game to a third party, as in your case, is more obnoxious and more injurious to the farmer than where the landlord keeps the game in his own hands? I believe it is always felt to be so.

8230. Do you think a remonstrance, on your part, to Mr. Villebois, on the ground of injury by game, would be received and attended to with as fair a chance of consideration of relief as it would if the game were in the hands of Sir Hanson Berney, and you made application to him? I should say certainly not. Mr. Villebois was applied to by various of the tenants, and he has given no relief to them. Sir Hanson Berney has, since the great injury we have all sustained this year, been applied to, and he has come down to a certain extent and interfered, *finding that some of his tenants were going to ruin from it.*

8231. Have you, in your lease, any power to claim compensation for damage done by game? No; there is a clause enabling me to call upon Sir Hanson Berney, if there is great injury done by game, to have the hares destroyed.

8232. Have you ever called upon him to do so? I have; both to Sir Hanson and to his agent, and he has interfered very recently.

8233. Do you believe that he has made an application to Mr. Villebois on the subject of the game? I know that he has.

8234. Is it attended to in the way of lessening the quantity? There is no quantity lessened at present; but it has been attended to.

8321. Mr. *G. Berkeley.*] How do you reconcile that with what you stated to the Committee, that an intelligent farmer will always avoid a farm where there is game? There was not so much game on the farm when I took it by a great deal as there has been since. But I can assure the Committee that, *had I been as much acquainted with a game farm as I am now, I would have gone out of business before I would have had the farm, at half the rent.*

8322. If there had been the quantity of game that there is at present? Yes; there was but little game when I took it.

8323. Then at the expiration of the four years that have to run of your lease is it your intention to quit the farm? I cannot tell that; my intention at present, if there is as much game as there now is, certainly is to quit it.

8324. It remains matter of doubt? It remains matter of doubt whether there will be the same quantity of game, or whether I can have a provision with respect to the game.

8325. It remains mere matter of doubt whether you quit the farm or not? It remains a matter of doubt whether it will continue a game farm or not.

8326. Then it remains a matter of doubt whether you quit the farm or not? It does remain so far a matter of doubt; but my mind is at present to quit if there is the same quantity of game, *or if I cannot hire the game myself, which I have offered to do.*

8376. You have stated that game preserving is hostile to the independence of the farmer; how do you explain that? Because he is always fearful of being in some scrape or other regarding his game.

8377. Why should he be fearful always of getting into a scrape if he conducts himself like an honest man? He finds, as I have found, that the word of any gamekeeper, or any body who chooses to lay an information against him about game, is sure to get him the ill-will of his landlord, if he happens to be a game preserver, and of other game preservers.

8378. Whether there is justice in the gamekeeper's complaint or not? *I am sorry to say, that I have found more attention paid to gamekeepers, let their character be what it would, than to the representation of respectable tenants.*

8379. Do you mean to complain of any injustice towards your son? I do consider that he was not fairly treated; they refused

my going into the case again when it came to be heard upon the double charge; I having agreed not to appeal against the conviction before, upon the understanding that the case should no more be entered into, they refused my going into the case again, on the ground of the former conviction; and therefore I was mulcted in the double certificate duty, and for that I wrote to the Chancellor of the Exchequer.

8380. Did you get any redress? None. His answer was, that he had made some inquiries, and that he did not find there was any necessity for his interference.

8381. You have also complained that it is a grievance to have the keepers watching the farmer? I consider that it is an injury to any man, whenever he goes out, to have persons to spy out his actions of all kinds.

8382. If a man means not to do anything improper, why need he care who watches him? It is common to all men, let them be ever so honest, that they do not like their actions to be watched.

8383. Is not every man who walks the streets of London open to the vigilance and watchfulness of the police? Yes; but suppose it was the business of a particular policeman to watch him in all his whereabouts, *what a complaint would be made about it!*

8384. As the keeper is for the protection of the game on the farmer's land, can he, by any possibility, watch the farmer's land without seeing the farmer? That is a different thing. This man Rudd declared, when he was on oath, in answer to a question which I put to him, that he had acted as a spy upon my son; that he had constantly watched him, not the farm, and that his assistants had done the same.

Mr. Sewell, like the other witnesses, had come into collision with the gamekeepers.

Mr. Cooper gives an account of the enormous quantities of game fed by the tenants, which are sold by the landlords. It is natural that such things should excite much uncomfortable feeling.

Mr. Marris alludes to the vexations arising out of game.

Mr. Sturgeon's peace also was disturbed by the game-keepers and the irritations arising from game.

The feeling amongst farmers seems to be, that they do not object to a moderate quantity of game; but unless they have the sole or concurrent right of destroying it, the meaning of the word "moderate" will have a breadth of construction which is ruinous to the farmer.

Mr. Hobson referred to the irritation caused by game hirers.

Mr. Gordon has also had disagreements with the keepers.

12009. Mr. *Bright.*] Have you any gamekeepers upon your farm? Yes, we have gamekeepers.

12010. Are they gamekeepers appointed by Lord Forester? Yes.

12011. Have you ever had any disagreement with the keepers? Yes; I have had disagreements with them several times.

12012. On what ground? I made a practice, for the last two or three years, of sending the waggoner and one of the men, or very often I go myself at night, with a brummick and mittens, to stop the hares into the covers; that is, to coal-tar the nooses to keep them in the covers, that they should not come out, and all the rows I have had with the keepers have been about that.

12014. Did the keeper object to your endeavouring to keep the hares and rabbits out of the farm? He does not object to it now, but he did at one time; but he found that I would not be humbugged in that way; but he threatened to kick the man out of the field, and he said that he would serve me the same if I came.

12014. Did he make any complaint to Lord Forester about it? He said he would.

12015. Did you have an interview with Lord Forester about it? Yes.

12016. What occurred? He told Lord Forester that I drove the hares out of the barley and out of the wheat, and ran them about, and drove them on to another person's property, and that my man knocked the hares on their heads. I went to Lord Forester about it, and Lord Forester said that he should not like me to destroy any of the hares, and he hoped I would not. I said I would not; on the contrary, I always gave my men orders never to hurt the pheasants; not to hurt a pheasant's nest, or a partridge, or anything of that sort; that all I did was to drive the hares out, and I thought it was very hard if I could not protect my own property.

12017. Was anything said about the rabbits? Lord Forester said he would have them all destroyed.

12018. Have they been destroyed? They work at them; but it is impossible to destroy them, unless they work all the summer; they work at them, but they leave a dozen old does at the bottom of a field, and they will increase to a couple of hundreds.

12019. Do the hares increase? I think there are as many hares upon my farm as ever there were rabbits. I can count from 45 to 50 hares in a night in a field.

12020. What sized field? Twelve acres.

12021. Do you think that Lord Forester was satisfied that you were not in the habit of killing the hares or the rabbits? I am sure that he was; he believed what I said.

12022. Who lives with you at Linley? I live with my mother and aunt.

12023. Have they ever had reason to complain of any of the

keepers? Yes, the summer before last they were most grossly insulted by one of the keepers.

12024. Under what pretence was it? It was when I first began to drive the hares out; at first I was driving them out of the barley; I did not happen to be at home; I ordered the man to do it; the keeper ordered the man out of the field, and threatened to kick him out if he did not go out, and he came down to the house to see me. I did not happen to be at home; he was half drunk, and he blackguarded my aunt in the most shameable manner.

12025. Do you mean that he used violent language, swearing and so on? He said he would be damned if he would have it done, and that sort of thing, that the man should not drive the hares about.

12026. Was that a complaint made against you, *because your own men were driving from your own property animals that were damaging your own property? Of course it was;* that keeper has gone away from Lord Forester's now.

12276. If the farmer had the right of destroying the game that might come upon his land, he would not want any other alteration? No.

12277. He would think that a sufficient protection? He would, and I am certain that nine farmers out of ten would not grumble at having game enough for the landlord to have a proper day's sport; one or two coming shooting in a Christianlike manner; I mean killing something now and then. Let them be satisfied with killing half a dozen hares in a day, or half a dozen brace of pheasants; but not such an immense number.

12278. What you mean by shooting in "a Christianlike manner," is doing the thing reasonably? Yes; I like reasonable sport as well as anybody.

12279. If the farmer had a right to destroy the game, must he not give up his own time for it, or employ a person to do it for him? He might do it when he was walking round his farm, or when he likes to do it: perhaps out of a dozen farmers, if they had the right of shooting and destroying game, there would not be more than two or three that would care about it, but then others would do it for them.

12281. You mentioned the case of one farmer who worked like a labourer upon his property; in such a case he must depend upon his labour to destroy the game upon his land? Yes, unless he had time to destroy it himself; at any rate a tenant ought to have the rabbits upon his farm: I think that is a very hard case if a tenant cannot have a few rabbits upon his own farm.

12282. Are you aware that you may kill the rabbits upon your own farm if there is no stipulation to the contrary? You can do that, I suppose, *but they have the power of turning you out of the farm if you do it.*

12283. But you are aware that either game or rabbits may be destroyed by the tenant when no arrangement is made with the landlord to the contrary? Yes, but then the landlord might give you notice.

12284. You would expect to be visited by the keeper, and desired not to meddle with them? Yes.

And all the mischief is maintained for the sake of one or two days' puerile amusement.

12521. Mr. *Bright.*] How often does Lord Forester shoot upon your farm or upon the covers about your farm? Never but once a year upon my side of the brook.

12522. What sort of shooting is it, is it battue shooting? Yes.

12523. How many people come to shoot generally? Sometimes four or five besides his Lordship; sometimes three, sometimes six.

12524. How many hours does it take them generally at that sort of sport? *They come about a quarter to eleven, perhaps, or half-past ten, and I generally see the game-cart going away towards three or half-past three.*

12525. Then do you consider, that for the sake of those six hours' sport in a year, which is afforded by the game upon your farm, you are encumbered with all this damage? Yes, I do; if they would come and shoot oftener that is what I want.

12536. You were asked about tarring fences; whose fences were they that you tarred? *Some of my own,* and some of them were copy fences; the copy fences generally belong to the landlord, because the landlord generally keeps them in repair.

12537. Did you tar them on your side or on the other side? On my side; I never went into the cover.

12538. Did you consider it a great hardship, after expending your money upon the farm in growing crops, and seeing them devoured by those vermin, kept for the amusement of a party one day in the year, that you were not to be allowed to put a little tar, in order to prevent the game doing you further damage? *A very great hardship.*

12539. Is it your opinion that game preserving is seriously injurious to agriculture, as a pursuit, and to the farmers and labourers engaged in it? I am certain it is; decidedly so.

Mr. Woodward referred to the trouble his labourers have endured through the game.

12613. Mr. *Bright.*] Is it within your knowledge that a very considerable number of labourers have, at one time or another, been charged with, and convicted of, offences against the game laws in your district? Yes; I believe they have; but I think there is a person from Worcester who can give better evidence upon that head than I can.

12614. Have any of your own labourers or boys ever been charged with offences against the game laws, and convicted? Yes; I had two plough-boys, about 14 or 15 or 16 years of age; they were boys that I had to drive the plough during the time the snow was on the ground last winter; they were convicted of catching a rabbit,

and they were imprisoned for six weeks; *after those boys were imprisoned I had no boys to go with my teams till I could find others.*

12726. Mr. *G. Berkeley.*] You stated that you know labourers that have been convicted for poaching, and you say that two of your plough-boys were convicted for killing a rabbit, and imprisoned for six weeks, and that your teams were left without boys till you could get others? Yes.

12727. Were those two steady boys? Yes, two very good boys.

12728. Was there nothing ever against them before? I think one had been convicted before, but he was a very good boy in my work.

12729. Do not you know that he was convicted while he was in your service? Yes, but he was a very good boy in my work.

12730. Then you had no reason to be surprised, in this instance, that he was convicted again? I should have thought that ought to have been a warning to him.

The following expresses the farmers' opinion about the game, which is the rational one.

12712. Mr. *G. Berkeley.*] How long have you been a farmer? Something like 20 years.

12713. You say that the game on one or two of those farms is let to strangers; do you think it better that the landlord should shoot there himself than that he should let it to a stranger? *I think the farmer ought to have what his land grows, and if he grows game he ought to have the privilege of killing it.*

12714. Has not the farmer the privilege of killing it? I have not myself.

12715. Supposing you quit your present farm, and take another on lease, and nothing is said about the game, who will have the privilege of killing it then? I should consider that I have.

12716. If you have got the power of killing it, and nothing is said about it in your lease, then the game belongs to the tenant and not to the landlord? I should consider so.

12717. Then it must be your signature that gives it to the landlord, must it not? I do not know what agreement other people may make about it.

12718. Supposing an agreement was made between you and your landlord for the farm, in order to enable him to kill the game, would you not have to sign a document giving the game to him? I will never take a game farm.

Mr. Gauntley repeatedly says that the Duke of Rutland's tenants, who are intended to be compensated, complain bitterly of the game.

14104. Lord *G. Bentinck.*] Is it your belief that the Duke of Rutland's tenants would rather have no game and no compensation?

My belief is, that they would rather have no game and no compensation, with the same rents that they now pay; that those who pay the rents would rather be without the compensation and without the game; that many of them have expressed many times, and I have good reason to know that it is so.

14105. In the statement that you laid before the Committee I see that you valued the damage done to the meadow land at from 5s. to 20s. an acre? Yes, but 5s. would not include the whole; there would be some meadows that might escape the game; if a meadow escapes, the compensation would be nothing; but I have seen damage which I computed at 30s. an acre done to a meadow, a very good piece at the end of a wood. I was valuing the game damage, and I took notice of that, and I could not value that at less than 30s. an acre; the meadow was beaten down and covered with excrement; they make the hay stink, and the grass so bad that in many parts the cattle will not eat it, because it stinks.

14139. Mr. *Bright.*] Is it the fact that the discontinuance of keeping game would be felt as a very considerable relief to the farmers, and a great benefit to the labouring classes? I think so; it is a demoralizing thing as it is; it sets one man as a tiger against another, quarrelling and fighting about it.

Mr. Landale shows that the Scotch farmers are as much irritated by game as their brethren south of the Tweed.

Mr. Pusey's evidence, as to the more comfortable state of feeling produced by the abandonment of game preserves amongst tenants and their labourers, fully bears out that of the tenant farmers.

Samuel Adams, a gamekeeper, called by the game preservers, made some statements which seem fully to justify the irritation in which farmers regard the intrusion of gamekeepers upon their farms.

The reader will remember the statement by a preceding witness, Mr. Blatch, of a remonstrance on the part of Lord Bolton's tenants against the game, and that in consequence a promise was given by some of the managers of the estate that the game should be diminished, which promise had not been performed. Of course, the game preservers on the committee communicated with Lord Bolton's people, and the result was, that his law agent, Mr. Geo. Lamb, an attorney, at Basingstoke, was examined, Feb., 1846, to contradict Mr. Blatch's statement. I do not mean to go into the vexed question of fact between them, though, according to Mr. Lamb's own show-

ing, there was much foundation for the statement; but I shall extract some passages from this part of the evidence for the purpose of showing the sort of debasing thraldrom in which tenants who submit to be game-ridden are held by their landlords. That every tenant had complained of the game to his neighbours nobody can doubt, I have never known the tenant of a game-infested farm who did not, that they had signed some formal remonstrance is admitted, and yet such is their position, as soon as it comes to landlords' ears that the matter had oozed out before the game committee, that they at once retracted. Mr. Lamb began by stating, that Mr. Blatch "had some practice, chiefly in valuations between farmers; that it was confined chiefly to valuations between incoming and outgoing tenants," with a view to detract from his judgment as a valuer. Now it is quite obvious, that this is precisely the kind of practice best fitted to render him an accurate valuer of injuries done by game. Mr. Lamb also endeavoured to dispose of the various cases of injury mentioned by Mr. Blatch by the statement that the particular persons injured were farming with insufficient capital. Very likely it was so; that is unhappily the rule rather than otherwise; but if so, the cruelty of devouring them with game was so much the greater. But the evidence as to Lord Bolton's tenantry is that which must strike all who have not known something of the interior management of landed property with wonder.

52. Mr. *G. Berkeley.*] From your agency for Lord Bolton's estates, and your reception of the rents, can you state whether the tenantry on the Hackwood estate are, generally speaking, contented? I never heard a question about game till *just about the time that a paper signed by some of the tenants was sent to his Lordship.*

53. Mr. Blatch has stated to this Committee, as an illustration of the mischief occasioned by preserves of game, that the Hackwood tenantry are oppressed and discontented. He said, "Lady Bolton gave the tenants a promise through her agent; six or eight of the tenants told me so. They sent a written petition to Lady Bolton. All were afraid to let me use their names, except one, and his name was Clark." Do you know Clark? Perfectly. He is not a tenant of Lord Bolton. The father is; he is not. *He manages a farm for his sister*, called the Four Lanes, but he is not a tenant himself.

54. That is Clark the younger? Yes.

55. Are you aware that the tenantry of the Hackwood estates

have been informed that Mr. Blatch had been using their names before this Committee? Yes; and the tenantry felt certainly indignant that their names had in any number, or, with the exception perhaps of Clark, at all been made use of in any way. *They told me that they did not authorise it;* AND THEY HAVE THEMSELVES CHOSEN TO EXPRESS THEIR OPINION, which, with the permission of the Committee, I will put in.

56. Will you read it? "We, the undersigned tenants of Lord Bolton, having heard that Mr. William Henry Blatch, of Nutley, near Basingstoke, utterly unauthorised by us, has stated before the Committee now sitting in inquiry as to the operation of the game laws, that the farmers in this vicinity regard him in the light of a consulting counsel between landlord and tenant, in matters relating to damage done by game, do herein declare for ourselves, *that we wholly repudiate and unconditionally deny the assertion* made by Mr. W. H. Blatch. We have never consulted him, nor do we desire in any way to be supposed to coincide with his opinions. We further declare, that neither the Rev. John Orde, nor Mr. Lamb, nor any other agent of Lord Bolton, *have ever broken faith with us.*" (Mr. Orde is a relative of the family; he is in no respect an agent for the Hackwood family.) "We have every reliance on their word, *with a knowledge from past experience that by direct communication with our landlord, which they always promote, or through their representation to his lordship, we can at all times obtain redress for any authenticated grievance.* We readily testify our conviction of the general and extensive advantages and good which a resident landlord does in the vicinity of his home, and *feel pleasure in contributing to the inducement for a country life by the amusement afforded by the game upon our farms.* We beg to add our reprehension of foreign and officious interference between landlord and tenant, that can never be productive of good; it is wholly uncalled for, *and tends to destroy a mutual reliance on right dealing and good faith, so essential to the happiness both of the owner and occupier of the soil. Dated the 16th day of June,* 1845."* I believe the Committee will find that that is signed by every tenant who signed the statement to Lord Bolton, and by many more, with the exception of young Clark himself, who is not a tenant.

57. *Chairman.*] In fact, is that signed by every tenant of the Hackwood estate? No, by all in the immediate neighbourhood *where the game is supposed to be.* The tenants who have signed that occupy land to the extent of 6,360 acres. I should like, in justice to Lord Bolton, to add, that not having a desire that there should be any damage by rabbits upon his estate, (for the game itself was never in the profusion to call for interference,) here is a copy of a note written by Lady Bolton to one of the subscribers to

* The reader will remember that Mr. Blatch was examined in May, 1845. It cannot escape observation that the language in which "the tenants had chosen to express their *opinion*" was singularly like that used by some of the game preservers on the committee.

that declaration, and with the permission of the Committee I will read it. Lady Bolton's note is simply this: "Lady Bolton is glad to find Mr. Howlings *has not reason to complain of injury by game*, and will give immediate orders to the keepers to destroy the rabbits, BUT IT MUST BE DONE BY THE KEEPERS ONLY." That was Lady Bolton's letter to one of the tenants who had spoken of the rabbits being so much a-head; and I then had direction, if there was any complaint, to say that they should be destroyed:* *and that was about the time this letter was written, that was the audit of Midsummer*, 1845. This copy of Lady Bolton's note is inclosed in a letter to the steward, from Mr. Howlings, in which he says, "Sir, To your request to know what answer I received from Lady Bolton, in answer to the under subject, I cannot find her ladyship's note to me, or would have sent it to you. I give you the purport, and I believe the very words. Some time since, a message was sent to me and the tenantry of Old Basing from her ladyship, that orders were given to the keepers to destroy all the rabbits; and further, if they found her orders were not obeyed, to inform her of it. *Finding the rabbits are getting a-head on my farm lately, I have done so; I at the same time made a request that I might dig them out of the banks.*†

58. Mr. *G. Berkeley.*] Is that one of the persons who signed the petition to Lady Bolton as regards the rabbits? Yes.

59. Are you aware how that petition, to which a few signatures were attached, was got up? *I cannot say that I am. I have my suspicion;* but I will not venture to state anything to the Committee upon that subject. It is signed by twelve tenants out of forty.

60. Mr. Blatch has stated, in answer to Question 4955, that gentlemen's words were not worth a straw; he has also stated in Answer 4957, "Lord Bolton's agent," meaning yourself, "made such promises:" did you ever make any promises of any sort to any tenants respecting game that were not religiously fulfilled? Never. I never had a request made to me about the game on Lord Bolton's estate.

61. Mr. Blatch has also spoken of three tenants who are afraid to speak, because they are the butcher, baker, and miller, who supply the establishment; are those three tenants perfectly content and well to do? Those tenants are three that have signed that declaration: they have lately extended their farms under Lord Bolton considerably, and both previously to that statement and since they have requested to have a lease of the farm. I consider the Bartons to have perfectly thriven under the Hackwood protection, both as millers, butchers, and tenants.

Had this matter rested here it would have been impossible not

* After Mr. Blatch had given his evidence, observe.

† Mark with what 'bated breath and deep humility the poor tenant begs for leave to reap where he sowed, to gather the fruits of the land for which he had paid hard cash to his landlord.

to admire the high-toned independence of the Hackwood tenantry, and the facility with which they can "at all times obtain redress for any *authenticated* (game) grievance." But the matter did not rest here. Mr. Bright called for the original document addressed by the farmers to their landlord, which differs not a little from their recantation.

89. Mr. *Bright.*] With respect to this document that you have produced, signed by some of the tenants of Lord Bolton, you alluded to some former paper, with respect to which you said you had some suspicion relating to game; what was it? This is it. *(Producing a paper.)*

93. Will you read it?—

[*The same was read as follows:*]

"March the 20th, 1845. My Lord,—Hoping you will excuse the liberty we are taking on the present occasion, we humbly beg to call your Lordship's attention to the *great damage done to the crops of your tenants by the great quantity* OF GAME PRESERVED ON YOUR ESTATE. As tenants of your Lordship, we feel reluctant to trouble you on this occasion, but the damage already done, and likely to be much increased, unless some measures are taken to prevent it, *will be seriously felt by us.* We shall at all times be pleased to see, and will render assistance to preserve, as much game as your Lordship may consider requisite for the recreation of yourself and friends, sincerely hoping your Lordship will take this subject into consideration, and order some measures to be adopted *to prevent our being so seriously injured by the game as we are at present.*"

91-2. Is this the original document? It is.

93. This is signed by 12 persons who are tenants of Lord Bolton? Yes.

94. All of them? Yes.

95. Is this Samuel Clark a tenant of Lord Bolton? Not a tenant; *he is the son of a tenant, and the brother of a widow who is a tenant.*

96. Does he manage the farm for his father, or does he manage the farm for his sister? I believe for his sister.

97. Then is he really, though not nominally, a holder of land or having an interest in land held under Lord Bolton? I am quite sure Lord Bolton would not let him be his tenant; *in fact he was not a tenant.*

98. If he is managing the farm for his sister, is he not in a situation just as competent to speak to the facts as if he were really the tenant? *Yes, I do not deny that.**

99. How far do those names upon this document correspond with the names upon the other document? You have every name upon the other document except Clark, I think. When that document was signed, it was mentioned to me by one of these tenants,

* How cautious the candid lawyer becomes!

that the rabbits were getting a-head, and they wished Lord Bolton to know it. I said the most proper way will be to represent it to Lord Bolton himself.

100. Then it appears that this was got up at your recommendation? No; a tenant told me he had a complaint to make, and I requested him to prefer it to Lord Bolton.

101. Do you know when that was? It was a little before that document was signed.

102. Then do you think it very probable that it arose from your recommendation? No; it was pre-resolved upon, I consider, because I heard no more of it.

103. If a tenant complained to you of the game, and you recommended him to acquaint Lord Bolton with it, and you saw afterwards a document such as this, drawn up and presented to Lord Bolton, complaining of the game, are not the Committee justified in supposing that that document was the result of your recommendation? I have no objection to the Committee drawing that inference. I heard no more of it than the mention of it to me. I wished that what they required to be stated by any tenant, should be stated to Lord Bolton.

104. You stated that you had your suspicions about that document: do not you think that the inference drawn in the question is a legitimate and fair one from the facts stated? No, and I will state why. One of the farmers who has been specially alluded to in the evidence, was appealed to two or three times whether he would sign it; and he was told that it alluded to the rabbits. His own farm is of considerable extent, and Mr. Orde, who was shooting over the farm, scarcely found a hare upon it during the year.

105. Do you believe that the twelve farmers whose names are attached to this are men competent to speak to the fact of the quantity of game or rabbits upon this property? Yes.

106. Were any steps taken with reference to the game after the presentation of this memorial to Lord Bolton? I heard nothing of it for months afterwards,* nor indeed till the Committee sat.

107. You have put in a paper signed by a large number of the tenantry of Lord Bolton, in which they complain of Mr. Blatch, and declare their great satisfaction with the state of things on Lord Bolton's property, and a great deal besides: do you know when this was drawn up? *It was signed at the audit in* 1845.

108. In June, 1845? Yes.

109. Were you present at that audit? I was.

110. Was there a dinner of the tenantry? There always is.

111. How many were present? At the Midsummer audit there are not quite so many as the other; between 30 and 40.

112. Who was there besides yourself in the capacity of commander-in-chief? Mr. Orde.

* The document is dated the 20th of March, the Committee examined the first witness on the 16th of April, and Mr. Blatch was examined on the 2d of May, all in 1845. Yet Mr. Lamb heard nothing of it for "months afterwards;" perhaps not till the recantation was sent down?

113. Who is Mr. Orde? Mr. Orde is a relative of Lord Bolton, and has always had the superintendence and management of the estate in regard to sales and purchases, and adviser to the family.

114. Is he the brother of Lady Bolton? He is no relation to Lady Bolton; he married Lady Bolton's sister.

115. What is Mr. Orde by profession? A clergyman and a magistrate; he is one of the best magistrates in our division.

116. What living has he? He is rector of Winslade.

117. What else has he besides the rectory of Winslade? has he any other living? He has a living in Yorkshire, the living of Winsley, near Bolton Hall.

118. Does he reside in Hampshire the whole year? Not always.

119. Does he reside any part of the year in Yorkshire? Yes, every year; he goes every year to Yorkshire; the time he resides there I do not know.

120. Do you know whether he goes at the time of the rent audit of the parish? He has nothing to do with the rents there.

123. You say Mr. Orde and you were at this audit when this paper was agreed upon? Yes.

124. Did you make a speech to the tenantry, or did Mr. Orde make it? Mr. Orde spoke to the tenants, and I spoke to them also.

125. What kind of speech did Mr. Orde generally make to them? Mr. Orde always speaks to them for some time.

126. How long did he speak upon that occasion? Ten minutes.

127. Do you think he did not speak more than 10 minutes? I do not think he did.

128. Can you tell who it was that drew up this document? *I corrected it.*

129. Who drew it up? I should have no objection to state that, if the Committee require it.

130. Of course the Committee require it? *It was sent to me by one of the Honourable Members of the Committee, but I altered it.*

131. Have you any objection to state which Member it was? Not the least, with his permission.

132. Which Member of the Committee sent it to you? *Mr. Grantley Berkeley.*

133. Have you the original which he sent to you? No, I have not.

134. What were the alterations you made in it? The alterations which I made were in order to adapt it to what was the case; at the end, I believe, in that part which relates to right feeling and good faith, so essential to the happiness of landlord and tenant.

135. Was the original sent down to you a sort of document which was suitable to express the affectionate confidence which there is between tenants and landowners generally? *The alteration was not considerable;* it was chiefly what I have stated.

136. Did you introduce this at the audit dinner? I did not.

137. Did Mr. Orde? No.

138. Was the subject of the previous memorial to Lord Bolton spoken of at that audit dinner by yourself or by Mr. Orde? It was alluded to.

139. By both? By both: I do not know whether by myself, probably not, but Mr. Orde alluded to it certainly.

140. Are you aware whether Mr. Orde complained of the tenants, or found fault with any of them for the conduct they had pursued in signing that memorial? *He alluded to it, and said that all memory of it had better be forgotten; he had much rather it should never be remembered.*

141. Did he say that Lord Bolton or himself would forgive the conduct which the tenants had pursued in that matter? Distinctly not.

142. Do you say that no memorial corresponding with this, or like this, or having reference to this subject, was spoken of or introduced by yourself, or Mr. Orde, at that audit dinner? I do, *till after I had left.* It was signed by the tenants after I had left, and no allusion was made to it during the time I was there.

143. Do you mean that Mr. Orde introduced it to the tenants after you had left? Mr. Orde had nothing to do with it. *My clerk was there and left it, that the tenants should sign it if they thought proper without any solicitation,** AND THEY SIGNED IT ONE AFTER THE OTHER.

144. Were you in the room when any of the names were signed to it? No.

145. Was Mr. Orde? No.

146. You are sure of that? Yes.

147. Was your clerk there when they signed it? *I cannot say.*

148. Whose handwriting is this in? I do not know.

149. Do you think it was written in your office? It certainly was not.

150. If you had the original in your possession, which you received from a Member of the Committee, and if this was produced at that audit dinner, you and Mr. Orde having been the chief persons at the dinner, are you not able to state who it was that copied this? I do not know whose writing it is. *It was copied at my request. I have no hesitation to state that.*

151. Then your clerk took it to the audit dinner? He did.

152. Can you give any explanation of this somewhat singular fact, that the memorial to Lord Bolton, upon the 20th of March, 1845, complained, in as strong language as tenants who talk in such a very humble manner as these do, durst use, of the damage by game, and that in June, 1845, only three months afterwards, those very tenants sign another paper, in which, although not in direct terms, yet in reality, they deny all that they have said in the former paper? I believe *their minds had been excessively inflamed* by conversations and addresses upon the subject, and that was the chief reason *why they did, almost against their inclination, sign the first† document.*

153. Who had addressed them on the subject, and had thus inflamed them? I am speaking of my belief with regard to the

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* How delicate! † Query, the second.

papers which had been sent round, and the desire which many had to get up a little agitation about game.

154. Many people in that neighbourhood? In our neighbourhood.

155. Whose addresses do you refer to as having inflamed the feelings of the tenants? I saw none myself; but I believe that to be the case, from their signing the other declaration afterwards, and expressing the feeling of indignation they had in their minds against gentlemen venturing to represent their sentiments to a Committee of the House.

156. You have stated that, comparatively speaking, there is no game on that property; that you have scarcely ever heard a complaint; and that you think you never heard of any demand of a reduction of rent for game damage? I do not think, in my whole accounts for the parish, there has been a single payment of game damage to any individual.

157. Yet those tenants, who I presume are respectable men, come forward in March and state great damage to have been done to the crops of Lord Bolton's tenants? I think *the one declamation does not gainsay the allegations in the other as to game;* on the contrary it rather expresses a desire that there should be game. It is merely as to the interference of parties not having a right to represent their sentiments.

158. But from your putting it in, and from your answers to the questions that have been put to you, it is evident that this second memorial is drawn up to counterbalance the effect produced by the statements in the first? *I believe the second to have been maturely considered,** and the first to have been got up without consideration.

159. Does that mean that the one was got up under the auspices of Mr. Orde and yourself, and that the other was got up entirely without your interference? No; the farmers were *left spontaneously to sign that counter-declaration,* if they thought fit to do it; not a word would have been said to any one that did not choose to sign it.

160. You have had long experience in these things; is it not your opinion that a document, signed voluntarily by farmers on the 28th of March, stating certain facts, is at least as important a document, and one as worthy of reliance, as the one produced at the audit dinner by your clerk, or by Mr. Orde, and signed in the presence of your clerk by the tenants then and there assembled? I think any one of the farmers would have signed that counter-declaration either before dinner or upon any other occasion,† if it had been put before them, it being represented to them that any one had taken upon himself to state their opinions and feeling whom they had not authorised to do so.

161. Is it your opinion that the Committee may take this memorial of the 29th March as an honest and correct statement of the opinion of those farmers with respect to the property they hold under Lord Bolton? I do not think the one gainsays the other.

* By whom?

† There cannot be the slightest doubt of that.

162. May this be relied upon? I do not wish to repudiate that at all; I desire that the Committee should have every information respecting it; I am quite satisfied that a more contented or united tenantry does not exist than that on the Hackwood estate.

If the committee had produced no other evidence against the game system than that contained in Mr. Lamb's evidence, its labour, heavy as it was, would not have been bestowed in vain.

But the evidence which relates to the effect of game upon the comfort and social position of farmers would not be complete without some passages from the examination of Mr. Grantley Berkeley, the game preserver's champion, who discloses the way the tenants are regarded by preservers. Mr. Berkeley saw the damage the evidence was doing to his adored system, and gallantly—perhaps when some of his testimony has been read, it will be said more gallantly than wisely—threw himself into the breach, and requested to be examined in support of game and the game laws.

15427. Lord *G. Bentinck.*] Are you *well* acquainted with the system of game preservation? *Yes.*

15428. Have you *any* knowledge of farming? *A little.*

15429. Have you preserved game on your own lands, or those belonging to members of your family, or have you rented the sporting rights of others? I have preserved game on the lands belonging to my family, and I have also rented the game on the estates of others.

15430. Do you find it easier to preserve game on your own property or that of your family, or on property where you rent the game of a stranger? I find it easier to preserve game over lands belonging to my family, because *there you insure the co-operation, to a certain extent, of the tenantry.* On lands where I am the renter of the game only, *I have found some difficulty;* because where the owner of the estate does not preserve himself, the shooting has very often been tacitly given to the tenant, and then when a third person comes between the landlord and the tenant, *the tenant is frequently dissatisfied.*

15431. Do you not think that the tenant has good right to be dissatisfied under those circumstances? No, I do not think that the tenant has any right to be dissatisfied, *because the game being the property of the landlord, he has a right to dispose of it in any way he pleases;* and *besides that, in my opinion, the fact of the sporting rights being given to any tenant invariably interferes with the good cultivation of the land.*

15437. Have you made any observations upon the damage done to agricultural produce by game and rabbits? I have, very fre

quently; indeed, all my life; I have had an opportunity of observing it during my practice in the preservation of game, I should say for 30 years.

15441. Has it come within your own observation, whether in many instances, where a deficiency of crop has arisen from bad farming, such deficiency has been charged by the occupying tenant upon the game? *Yes, very frequently; I have known instances where barley has never come up at all;* where the seed has never appeared; for I have seen the land, and visited the land from the time of its sowing till the time of harvest, and that, in some instances, when there has been no pheasants, and but few partridges. I have known places where no seed ever appeared, *and I have known the loss of the barley charged upon the game.* In my present residence, when I came in as owner of the game, on coming upon the farm, the first thing which I did was to walk over it and look at its capabilities for game, and the state of the crops and the cultivation, and I found in that instance, and in other instances besides, that the farmer was about to leave his land, and was what is called cross-cropping the farm by a succession of white crops, and by adopting a total cessation of the dung-cart; and I have seen the land so reduced in its power that it would scarcely bear any crop at all, unless there happened to be a vast quantity of rain. In those cases, when I came upon the estate there was no game whatever, and it was totally impossible to assign the cause of the damage to the game, because there was no game there to do it. That farm has been rendered into the hands, not only in this instance but in others too, of the incoming tenant in its exhausted state, and that tenant was unable to grow his crops. At the time the game began to increase, though they increased to a small extent, the whole of similar deficiencies of crop which I found there on coming when there was no game, *were immediately attributed to the game, there being sufficient game upon the estate to give a colour for the imputation.**

15449. In giving this statement of the destruction done by these wood-pigeons, are the Committee to understand that you mean to impress upon the minds of the Committee that all the damage so done by wood-pigeons, according to every estimate that you have seen made of the damage done by game, would in fact be set down by the valuer to the account of the game? *Undoubtedly; in fact I have never known any one single instance in my life to the contrary.* I have looked at the damage done by other people's game and on other people's lands, and I have known what has passed upon my own; and I never knew, in the whole course of my life, a valuer called in by a farmer make allowance for any such damage upon the land as arising from insect, atmospheric, or other animal damage; *but in every single case every bit of existing damage has*

* It will be remembered that Mr. Pusey, who *does* know something of farmers and farming as well as game preserving, repudiates such imputations on the integrity of the tenant-farmers.

been set down to the game, and the owner of the game charged with the damage.

15450. In your opinion, if it was alleged that the deficiency of a crop amounted to three quarters of corn per acre, and that might properly be divided equally between the game and the wire-worm and other insects, and wood-pigeons, the whole of that damage would be set down and charged to the game? *Undoubtedly the whole of that damage would be charged upon the game;* and I may be permitted here to remark, that the valuer is very often apt, as I dare say the Committee may have heard, to judge of the deficiency of crop in one part of a field, by the standing crop on the rest of the field, and to apportion the deficiencies to game. Now any man of practical experience must be aware, that bad crops of grain, where there is no game, frequently take root and arise in what is commonly called a patchy state, that is, in an unequal proportion, and that either wet furrows or the peculiar action of the wire-worm, or other causes, will occasion that deficiency; the valuer then takes a valuation by what remains standing, and sets down those portions so destroyed invariably to the game.*

15461. Mr. *Grantley Berkeley*, in reply to a question from Mr. *Villiers*.] When crops fail from causes for which the farmer cannot account, or from aggressions for which he can find no tangible defendant, *he charges his loss upon the hare and pheasant*. They have a visible owner; their presence affords him colour for complaint; while the invisible master of his inveterate, but almost impalpable foe, is of course beyond the reach of remunerative demand. Well is it said by the Agricultural Journal, "that birds and animals are the farmer's best friends;" and truly can I affirm that in 99 cases out of 100 where the fortunes of men are ruined, the unfortunate loser never lays the cause of his failure on the fault that ought to bear the blame; it is "this," or "that," in connexion with some other circumstance, that has ruined him; he never ruins himself; neither is he ruined by people or facts against whom he has not real or imaginary claims; he is ruined by things which he declares ought still to establish his credit and restore his failed finances. The ruined man and the drunken man entertain a similarity of idea; it is always something, or somebody else's fault, that shakes the solvency of the one; while in the other, it never is the wine, but that infernal bit of biscuit which he ate just as he went into the open air that upset him. Now I quote from the Agricultural Journal again. The incontrovertible axiom, "That the profit we derive from the works of creation will be in proportion to the accuracy of our knowledge of them and their properties," ought to be borne in mind by this Committee, by the public, as well as by the often erroneous organ of public opinion, the public press. Let the farmer, when he wishes to succeed, assist,

* Mr. G. Berkeley *may* be right, but all the practical agriculturalists whether landowners or tenant-farmers say the contrary. Let the public judge between them.

humour, and not attempt to thwart the established provisions of nature; let him counteract, by judicious uses, evils which ever will exist; but in counteracting them, let him be careful not to kill the good which with the evil walks hand-in-hand. When the farmer wishes to destroy the pheasant and the partridge, because they have done a partial injury, he does himself, in my opinion, incalculable injury. Let the farmer put his shoulder to the wheel, hoe up, plough in, or stack his turnips, and insure that crop at least against animal or atmospheric injury. The pheasant, the rook, the daw, the partridge, and the plover, have lent their aid in bringing the crop to perfection; let it be gathered, then, and let the farmer be content. The same free labourers have lent their aid in rearing up the wheat, the barley, the clover, and the rye. If those crops have received a less amount of injury from hare and rabbit than they would have had from insects, let the farmer set it down as a loss which well repays itself, and when considered with other remuneration, which I maintain has been, is, and will be given by the landlord, without any increase or diminution on account of this inquiry, or by reason of the false cry raised against the magistrate, the landlord, and the law, he (the tenant farmer) will find himself in a position which cannot be bettered by the interference of the stranger, or touched, unless the rights of private property are disregarded.

In order to complete the picture of game preservation as painted by its most ardent advocate, a few other passages must be extracted from that part of Mr. Grantley Berkeley's evidence.

17437. Mr. *Etwall.*] Have you not known instances where tenants have been found fault with for attempting to drive away pheasants and partridges? We have heard of an instance where a man drove hares out of his corn during the breeding season, *which I should have found fault with had I been the owner of the game.*

17438. Are complaints made by tenant farmers against keepers for injury done to their corn when they have walked through it before harvest? I never knew any harm done by gamekeepers to corn.

17439. Are complaints made by farmers of it? *I have heard such a groundless complaint made*; but a keeper has no occasion to go into corn unless somebody has been there before him.

17440. Supposing he has a suspicion that poaching is going on? Then if another person had been into the corn, the keeper may follow in his steps and he will not do any harm.

17441. Do not keepers very often walk over corn to see whether there have been any snares laid? A good keeper will go round the edge of a corn field, and he will discover if anybody has been into the corn, and then it will be his duty to follow the track and see what has been done; but if nobody had been in before him, of course, unless he saw any suspicious track, he would not have any necessity to enter the crop.

17442. But you have had no complaints made by farmers of keepers doing injury to their crops? *I have known complaints made*

by farmers of everything under the sun, and with as little reason as can possibly be imagined.

17545. They are a complaining race generally, are they? They are very apt to complain when they are about to quit their farms.

17552. Do you think that the enormous quantity of game which is strictly preserved for battues is necessary for a country gentleman's amusement? I think a large quantity of game absolutely necessary for his amusement.

17553. Is the enormous quantity that is preserved for battues necessary for his amusement? I am not aware of any enormous quantity being preserved; and I am not aware that a battue does any harm.

17554. Are you acquainted with any preserves in England besides those of your own family and your own? Yes.

17555. But you have never seen an enormous preserve of game? I have never seen any preserve of game, where things were properly managed, that was calculated to do one quarter of the harm charged against it, or indeed any.

17556. *Your opinion of the tenant farmers is not very complimentary to that class;* you state that they very often represent that the damage done by pigeons, wireworm, frost, and other casualties, is entirely done by game; is not that a dishonest representation? I think that the great body of tenant farmers are a very respectable class of men; my opinion generally of tenant farmers is excessively high; but I think you will find that, as among every class of persons, there are some who would make an unjust charge.

17594. Do you consider that the majority of tenant farmers in Hampshire and Wiltshire are satisfied with the present game laws? I think there has been great dissatisfaction raised in the minds of some of them by the clamour which has been set on foot by Mr. Bright and the Corn Law League.

17595. You think the farmer is a man whose mind is easily swayed by statements, whether in speeches or in writing? I think mischievous statements are at times apt to sway anybody.

17596. Do you think they sway farmers more than they do other classes of society? Not at all.

17597. You do not think that it is *from the practical injury the farmers have sustained by game, more than from any statements which have been made by Mr. Bright and others, that they are dissatisfied with respect to game?* I think the farmers are not dissatisfied, generally speaking; I think the farmers are not injured by game to the extent people are led to suppose, but that they are benefited. I think that if mischievous people would be quiet, the farmers would be perfectly content with the situation in which they are now as regards that question.

17598. And you believe that the statement that they suffer from game is erroneous? *I think a great number of the statements are vastly exaggerated and untrue.*

17599. Have you had any opportunity of hearing any one's opinion out of doors upon the evidence which has been given before this Committee? No, because it is not known.

17600. You never heard it conversed on? No, it is not known.

CHAPTER IV.

THE INFLUENCE OF GAME AND THE GAME LAWS UPON THE RELATIONS OF LANDLORD AND TENANT.

Game is, in nine cases out of ten, the source of smothered ill-feeling or open dispute between landlord and tenant. The landlord deems himself entitled to that which he contracted for, the right to the game, and all powers and privileges he may deem requisite for its protection and slaughter; the tenant, on the other hand, is constantly irritated by seeing creatures over which he has no control destroying his property, and feels that such was not the spirit, even if it was within the letter, of his engagement. It often happens, too, that game had been practically overlooked by the tenant on making his engagement; as in the case of Mr. Bates; there was not much game, or he was told he should not be injured, or the like, but the game had been reserved to the landlord as a thing of course, and if he should suddenly determine to become a preserver the tenant had no remedy. But he daily lived under the sense of injustice. He felt he was hourly being robbed by his landlord; and if any accident led him to break through this sort of feudal obsequience, which, unhappily for husbandry, is so common amongst tenants, ill-blood and constant irritation were constantly excited between landlord and tenant. Doubtless there are other causes—which it is not my purpose here to discuss—in the modern relation of landlord and tenant which add to this irritation, but the game is the darling object first to be abandoned by the proprietor before the relation of landlord and tenant can become, as it ought to be, strictly a commercial one. There should be no patronage on the one side, or obligation on the other, but simply an exchange of equivalents. I do not hesitate to say

that at present bargains are one-sided, the bias being all on the side of the landlord; though in the end the landlords, as a class, suffer because their system drives much enterprise and capital from engaging in the cultivation of the soil. Nearly every practical farmer examined has referred to this effect of game preserving, some have given particular instances. I select a few of them.

Mr. Nowlson mentions his own position in the farm he lately occupied as strikingly illustrative of the way in which game interferes with friendly relations between tenant and landlord.

636. Mr. *Bright.*] You state that in one of those cases the game was let to a third party; is it common for landlords to let the shooting of their estate to third parties? Yes.

637. What is the opinion which the farmers entertain of that system? The farmers, where they can avoid taking a farm under such a system, will not take it.

638. Is there much competition for farms? There is great competition; in fact I left my old farm, not directly owing to my not giving up the game again to my landlord, but it was indirectly owing to that; in fact my landlord wanted to retake it off my hands the day after I took it from him; but I took it on a term; I would not give it up, and it led to unpleasantness through the whole of my term.

639. That was the indirect cause of your leaving your farm? It was.

640. What length of lease was it? My lease was four, eight, and 12 years; and at the expiration of four years my landlord gave me notice; the day after I took the lease the landlord wanted to let the game to a third party, but I would not give it up.

641. Did he offer you anything for it? He did not; *I offered that I would let it myself to the third party, which I did under certain restrictions.*

642. You having the power of keeping it as low as you thought necessary? Just so.

643. Do you consider that the farmer is more injured when the game is let to third parties than when it is held in the possession of the landlord? I do.

648. Can you state whether, when awards are made by valuers they have been satisfactory to either party? I should say seldom satisfactory to the tenant; because I believe it is almost out of the power of any man to value the real damage that crops sustain by game, unless he takes it at eight different seasons of the year. I should consider that a person who is about to award damage done by game ought to inspect the crops at least twice in each quarter, which is eight times a year.

839. Mr. *G. Berkeley.*] What was the cause of your leaving your

farm? As I said before, it was not directly but it was indirectly through the game.

840. How do you mean "indirectly?" An unpleasantness arose respecting my having game, and that led to further unpleasantness.

841. What was the unpleasantness that arose from your having the game? My landlord wished, after I had taken the farm, to let it himself to this Mr. Smedley. I said that I would not give it up, but I would let it to him myself, *which I did, reserving certain restrictions.* That led to unpleasantness between this gentlemen and me. This Mr. Smedley was my landlord's particular friend. Consequently that led to one thing after another, to unpleasantness at different periods, respecting different points in other respects, with my landlord.

842. Then did you set the two friends quarrelling? No, I did not set the two friends quarrelling; I was not so fortunate as to do that; I was so unfortunate as to be on the other hand, that is, there were two against one. The fact is, that this person whom I let the shooting to became a very intimate acquaintance of my landlord, and the consequence was, that a little unpleasantness existed respecting this gentleman injuring my crops, and he wished to set a man to look after the game, which I would not allow, which led to other unpleasantnesses with my landlord, and the consequence was, that before the expiration of my first term we had a meeting, and my landlord made some complaint, and said I had committed a breach of the covenants. I said, "Will you be so good as to give me your informant, and then I will answer the question?" He gave the name to me, and I said, "Fetch that gentleman before you, and I will convince you that I have not committed a breach of the covenant."

843. What covenant was it? Respecting the manure.

844. It had nothing to do with the game? No. I finally satisfied him that I had not committed a breach of the covenant; so much so, that I believe we were about to part on good terms; but I said, "I find that there is so much unpleasantness about this thing, and that thing, and the other, that I have made up my mind to give you notice to quit this farm, if you do not me." Upon those terms we parted, and of course he gave me notice, which prevented me from giving him one?

845. Should you have quitted your farm about that breach of covenant? No.

871. You stated that the game was often a cause of ill-blood between the landlord and the tenant; are you aware of no landlord and tenant where there is game, who live happily together? I cannot say that I am aware that there is not; I do not know but what there might be; I said that it occasioned ill-blood.

872. Are you acquainted with any farmer living happily under a landlord, and on good terms with him, who preserves game to a high extent? I am not.

873. You do not know of such a farmer? I do not.

874. Is a gamekeeper when employed upon a farm where there is game any protection to rural property? None whatever, I should say.

875. Did you ever know an instance of a gamekeeper preventing or taking sheep-stealers? No.

876. Did you ever know an instance of a gamekeeper protecting property, or taking any person for stealing property? No.

881. Then do you suppose that if a gamekeeper was out at night, and found evil-disposed persons upon your farm, in the act of taking any of your property, he would not prevent them? *I do not know any case where that has been done.*

Mr. George Haywards' disputes with his landlord, Mr. Shelly, about game, went so far as a war in the newspapers, and actions at law. It seems to be very commonly complained of by tenants, that when they enter their farms and talk about game or object to its reservation, they are told verbally that, though the game is reserved in it, they shall sustain no injury; but when once in the farm such verbal promises are worth as much as lovers vows—nothing.

Mr. Bell's only difference with his landlords was upon the subject of game.

Mr. Blatch, as a valuer, knew a good deal about the way in which the farmers first take their land; and the verbal promises, which often create so much ill-blood, seem to be as common in the western as the eastern counties.

4500. Mr. *Bright.*] Is it customary in your district, is it a thing which you and other farmers understand to be common and universal, that tenants obtain compensation for the damage done by game? No; it is very frequently talked about when we go to take farms, but it hardly ever comes out in reality.

4501. Do the farmers ever make any specific agreement about it? They have no opportunity of doing so. I have been told by a good many farmers, that when they have taken their farms, they have made application to that effect, and a proposition has been made, but never reduced to writing; at least very seldom. I have known only one instance where it has been.

4502. How comes it that a farmer takes a farm and talks about a serious matter like this, and yet it is not reduced to writing? *Promises are held out so strongly that they generally take the gentleman's word for it.*

4503. Is not a gentleman's word worth taking? It is not worth a straw in that case, in nine cases out of ten; I have seen that in my practice.

4504. Are you of opinion that tenants frequently find themselves

misled with regard to the amount of game to be kept upon their farms? I have known that often to be the case.

4505. Have you known any case of a regular bargain being made between the landlord and the tenant with respect to the game? With respect to rabbits there is the case I named just now of Mr. St. John, of Finchamstead; I think I can state precisely the nature of that agreement: there were a great many rabbits on the farm, and in the covers near the farm, and when I went to take it for Bates, I requested that a protecting clause should be introduced, in order that he might not be interfered with by the keepers, and it was to the effect that notice should be given in writing at any time by the tenant to the landlord to kill the rabbits in and about his covers; and if, during a month, the landlord failed to do so, the tenant was then to be authorised to enter those covers and kill them for the next two months; and that was acceded to after a long chat between me and Mr. St. John.

4506. Was that drawn up and signed? Yes, together with the other covenants.

4507. Can you state the result of that arrangement? I was called in about twelvemonths after; we gave no written notice to the landlord to kill the rabbits.

4508. Up to what time did you give no notice? The following harvest; then Bates sent for me to inspect the corn, to know whether it was necessary to give this notice, and I saw Mr. St. John upon it. The rabbits could not be destroyed at that time; it was in the summer season; and Bates was advised to let his farm to get rid of it.

4714. Mr. *C. Berkeley.*] You stated that gentlemen's words were not worth a straw? As regards the game, I found it to be the case, generally speaking.

4715. Then if their words are not worth a straw, will not the same reasonmg apply to your valuations of damage? No; I think the one is a matter of judgment, and the other a matter of feeling.

4716. Then you have no feeling whatever upon this subject? I am prepared to give my best judgment upon it.

4717. But as regards the subject upon which you have been examined, you have no feeling whatever? I am come here to state facts that I know.

4718. How do you know that gentlemen's words are not worth a straw? I do know cases that have come under my practice.

4807. Do you see much difference between that and a magistrate who preserves game committing a poacher? He is obliged to exercise the law in either one case or the other.

4808. You have stated that when a farm is let the farmer cannot make his half of the bargain; how do you explain that? Because he holds part of it by an absolute deed, and *the other part by promises, which promises get broken in very many cases.*

4809. But if he makes an agreement, and draws up a deed with he landlord, is the landlord not bound to observe it? Yes.

4810. Then how has he not the full benefit of his agreement? Because the landlords, generally speaking, are so enlightened and so well informed, that they twist and twirl themselves about the tenant by promises of this sort: they promise the tenant that he shall have the rabbits killed, and hares killed, and that only a few pheasants and birds shall be kept for the landlord, which promise is not introduced into the lease; *the lease would secure the promise if it were so, but it is not.* The landlord is to have the privilege of shooting the game on one side, and to have game preserved upon the other.

4811. You think that being enlightened teaches a landlord to break his lease? No; I say that it teaches him not to put into the lease a clause which he would not like to be bound to.

4812. Is the lease a legal document, and is it binding? Decidedly.

4813. Then cannot the tenant have his good half of the bargain? He cannot protect himself as he ought to do by having things introduced, in connexion with game, which he gets promised in seven cases out of ten by his landlord.

4814. But if the tenant had everything introduced that he wished, and nothing that the landlord wished, he would have the best half of the bargain? If the landlord wishes to carry into effect what he has promised, it ought to be put in the lease.

4817. He does it with his eyes open? *Partly open.*

4818. How do you explain that, in signing a legal document of this sort, the tenant's eyes are not wide open? *Because he depends on promises.*

4867. Mr. *Trelawny.*] Supposing a landlord lets an estate at a rent of £300 a year, and a lease is given reserving the game, is he the sole judge of the extent to which the game shall increase? can he allow the game to increase indefinitely? Yes.

4868. Would the tenant have any legal remedy if the game so far increased as to devour the whole produce? None whatever.

4869. When a landlord lets his estate, does his very act imply that he intends that the profitable cultivation of that farm shall be, under any circumstances, possible, so far as he can influence the tenant's position? Yes.

4870. Would it be possible if the game indefinitely increased? Impossible.

4871. Then do you think that leases preserving game, which may be indefinitely increased, are practically only a security to the tenant in so far as the landlord chooses them to be so? Yes.

4924. Mr. *Etwall.*] You have stated your opinion relative to promises by gentlemen on the subject of game: do you respect the words and verbal promises made by gentlemen and landlords on other subjects? *I do, highly.*

4925. Then it is merely with reference to the subject of game that you attach no value to their promises? *Quite so.*

4926. You have been asked whether, if the tenant gives his land-

lord six months' notice, he has the privilege of leaving his farm; is not that uncertainty of tenure, in the first place, very detrimental to a high state of cultivation of the land? It cannot be kept up; it is impossible to keep it up without great risk.

4927. Secondly, if a farmer has invested his capital in a farm, and has his stock upon it, is it not generally detrimental to his fortune to leave the farm at the end of six months? Yes, very injurious, because he must lay out capital, to a certain extent, to remain there at all, and it requires to keep it on two or three years to enable him to take out of the land that which would give him compensation at all for his capital.

4928. You stated that you gave up the right of shooting to Mr. Ellis, your landlord's nephew; did you do that out of good will to oblige your landlord? Quite so.

4929. Have you that confidence in Mr. Jervoise, your landlord, that he will not injure you by keeping up an overstock of game on property on which you gave up the right of shooting? Full confidence.

4930. You have a joint right of shooting upon that farm? Yes.

4931. Do you consider that the enjoyment of that joint right is the best means towards a proper regulation of the stock of game? It is the very way to lower the stock of game.

4955. Lord *G. Bentinck.*] You have stated that gentlemen's verbal promises to keep game under are not worth a straw, in nine cases out of ten? I have.*

4956. Can you state any example that has come within your knowledge, of gentlemen having made such promises and having broken them? Mr. St. John made a promise, for one; Mr. Hanson, who rented the manor of Farleigh, for another; that was in my own father's case, he gave me 100 acres to shoot in while the farm was about being taken, which I enjoyed until the lease was signed, and then it was taken away.

4957. Can you state any others? Lord Bolton's agent (I do not know who he is exactly) has made those promises, as far as the Hackwood estates are concerned. About a month since, the tenants joined in a written petition to Lady Bolton, that the game and rabbits should be destroyed, as they had injured their crops to a vast extent.

4958. What was the result of the request? I believe they had one day's killing; I do not know to what extent, but not any great quantity: they were told that it was now too late to hunt the covers, and they must put up with it, but they should not be injured another year. I asked those tenants if I might make use of their

* There is undoubtedly a feeling amongst tenants that the mere word of the landowner, in what he probably deems minor matters, is not worth much. No doubt this arises from misapprehension in many cases. The tenant having supposed a promise to have been made where none was intended. But this want of confidence is an incident to game and yearly holdings.

names as having sent this petition to Lady Bolton: they wished me not; that was after I had reason to believe that I should be brought up here as a witness.

4959. Do you mean to say that Lady Bolton gave to her tenants a verbal promise, when she gave them their leases, that the game should be kept under? Yes, through the agent; I mean the agent; the person of whom the tenants take it.

4960. That Lady Bolton, through her agent, had given a verbal promise to the tenants, when they took their leases, with a reservation of the game to Lady Bolton, that the game should be so kept down that it should not injure them? Some six or eight of the tenants told me so within a month; the only one I am authorised to use the name of is a man of the name of Clarke, who signed this request to her ladyship.

4967. Are the Committee to understand that you mean to say that gentlemen in general defraud their tenants? Inasmuch as promises are not carried out; that they promise to do that which in after-times they do not do, *as regards the game only.*

5132. Mr. *Villiers.*] You said that sometimes advantage is taken by persons who make agreements with their tenants upon the subject of game; do you mean by that that the tenant is sometimes a duller man than the game preserver, and he hardly knows what agreement he enters into? That is what I meant; that they twist themselves round the party they have to deal with.

5133. The farmer is not generally a very quick man of business, is he? Quite the reverse.

5134. It is not uncommon for him to make an agreement without his understanding altogether the purport of it? I have known very many do so.

5163. Viscount *Clive.*] Do farmers often change farms? Some do

5164. Do not many change five or six times in the course of their lives? Not many so often as that; there are instances of it.

5165. Why do not farmers who have suffered in one place from verbal promises as to game having been broken, insist upon an agreement in writing when they take another farm? Because they find just the same if they go to the next farm. It is universally the case with gentlemen; they will not bind themselves to pay damages.

5166. Are there any leases in your country? Very few.

5167. When a farmer takes a lease, does he not make those stipulations which he thinks necessary for his security? All that he can get inserted.

5168. Why cannot he get these inserted as well as any others? *Because the game is the darling idol of the gentleman.*

5169 Do you consider that the neighbourhood generally is interested in punishing a poacher? I think the game preservers are interested.

5170. Do you think it a benefit to the neighbourhood to get a

poacher out of the parish? No, it is a great injury to the neighbourhood to get him out, where the game is preserved strictly; *the poacher is the only friend the farmer has where he cannot kill the game himself.*

5171. Do you consider it a wrong thing for a tenant, when he has taken a farm on which the game is specially reserved to the landlord, to kill it by stealth? Yes; unless the landlord keeps more game than there was when he made his bargain; then I think the landlord is the first aggressor.

5172. Who is the judge of that? No one so well as the tenant, I should say.

5173. Supposing the tenant makes no stipulation as to the quantity of game, and the landlord reserves to himself broadly the right to the game on the farm? Then if the landlord increases the stock upon his farm to a considerable extent, that alters the case; because if you do not draw a line somewhere, the landlord, as I said before, might ruin the tenant by keeping an over-stock of game. If the tenant finds that his landlord has over-stocked him with game, beyond what is reasonable and the common practice in such cases, it is a less crime on the part of the tenant if he allows a poacher to take some head of it down; but it is wrong to encourage a man to break the law, that I admit.

5174. Do not you consider it a breach of contract on the part of the tenant? I should not think it so if a man increased his game to a frightful extent, so as to injure me and my family.

Mr. Shitler, who only suffered personally from neighbouring preserves, said that compensations, when given, were never satisfactory.

Mr. Chambers's case showed how a tenant, whose game has been reserved, may suffer from the mere accident of a change of ownership.

Mr. Lock speaks of game as an abiding cause of discontent.

Mr. Sewell gives some account of the illusory nature of those verbal promises as to game which tenants receive, or believe they receive, on engaging their farms.

8955. Mr. *Bright.*] But with respect to taking a farm, to whom would you apply? Mr. Becher is the principal.

8956. Had either you or your father any conversation with Mr. Becher with reference to the game upon the farm? I heard a conversation; I was not present when my father hired the farm. He went over to Southwell, in Nottinghamshire, to hire the farm himself; but before we entered upon it I heard a conversation at Lynford Hall, at Sir Richard's house, between Mr. Becher and my father and two of my brothers. My father told him he did not see any fear of occupying the farm at the rent, and paying the rent,

provided the game was kept within bounds; if it was not preserved so strictly as to make it so numerous as to do a great deal of injury to the crops.

8957. What did Mr. Becher say with respect to that? Our predecessor had a protection in his lease, that if the game did any damage over £100 a year, he was to be paid the amount of that damage; but when my father hired the farm he was aware that that clause was taken from his agreement, *that Sir Richard would not allow that clause in any other agreement*; and then Mr. Becher told my father that, although that was taken away, he should not be injured by the game; that Sir Richard had already suffered by it, and that he intended to do away with the rabbits, and to keep only a few hares for his shooting; that we should not be injured by the game if we undertook it.

8958. Is it your opinion that your father and your brother understood that to mean, that the quantity of game should not be increased beyond what it was upon the farm when you took it? Yes, we understood that from Mr. Becher's promise, that there was to be only a fair quantity; that was the impression that we hired it under; but we knew we had no clause to protect us; *we thought Mr. Becher would be as good as his promise.*

8959. Did the quantity of game seriously increase? Very much indeed; the rabbits and hares did.

Mr. Sewell and his brother had received notice to quit their farm at Caldecote, where they had laid out a great capital upon the understanding that their lease would be renewed, in order to accommodate a game hirer.

9011. Mr. *Bright.*] You state that the name of the farm you occupy at present is Caldecote, and you occupy it in partnership with your brother; who is the owner of that farm? Sir Henry Bedingfield.

9015. Is it likely that you will remain at the farm any longer? No, we have notice to leave it.

9016. Can you give the Committee an account of the circumstances which will oblige you to leave it? Yes, I can show the Committee a copy of the letter that I received from the agent in February last.

9017. Had you any reason to expect that you would have a new lease at the expiration of this one? Yes, we had reason to expect it; my brother saw Sir Henry's agent about three years ago, and he said we were getting near the end of our lease, and we should like to know something about it, as we were laying out a great deal of money. He said, "You have no occasion to make any inquiries of the sort; you will never be turned out, you may make yourselves quite happy upon that score."

9018. Did you, in consequence, go on farming to the same extent, and at the same expense, to the present time? Yes, we went on; we have increased our outlay in proportion.

9019. Do you think you have expended more upon artificial manure during the last three years than in any former three years since you held the farm? I think the last six years have averaged about the same; I think we had laid out about £1,000 a year the last six years.

9020. Did you, up to February last, believe that you should make a new agreement with Sir Henry Bedingfield? About a year before Sir Henry was over at Caldecote, and he was talking to my brother about it; my brother mentioned the matter to him, and he said that he was so harassed by the Charity Commissioners about some exchanges that he could not talk to us then; but he said, "Mr. Sewell, I suppose you will have no objection to hire it again." My brother said, "Certainly not, Sir Henry, if we can agree upon terms." That was all that passed then.

9021. Will you state the circumstances under which you have received notice to leave this farm? The first of it was, that Mr. Tyssen sent word that he should sow the seeds on our farm this year; and in consequence of that my brother wrote to Mr. Cheston, I believe, to know the reason; and then came this letter to say that we were not to have the occupation of it.

9025. Does Sir Henry Bedingfield let the game over your farm and the neighbouring farms? Yes, all Sir Henry's property at Oxborough and Caldecote is let to Mr. Tyssen; he has the shooting of it.

9026. Who is Mr. Tyssen? A gentleman living at Foulden, within two or three miles.

9027. Is Mr. Tyssen the gentlemen to whom he has let that farm? Yes, he is the gentleman that has hired the farm we now occupy.

9028. How comes it that, after his having told you that you would have the farm again, and you having farmed it at your ordinary rate of expense up till this period, this farm should be so suddenly and unexpectedly overlet, as it were, to another party; has it any connexion with the subject of game? I should think it has, according to the letter. *Mr. Tyssen says, he considers the occupation of it necessary for the better preservation of the game.*

9029. Will you read that part of the letter to which you refer? He says, "He," (that is Sir Henry Bedingfield,) "has always been satisfied with you as tenants, but he is sorry the arrangements he has deemed it advantageous to make with Mr. Tyssen since he has been in London, will preclude him from giving you the offer of the Caldecote farm after the expiration of your present lease. *Mr. Tyssen considers the entire control of that farm so essential to the proper enjoyment of the sporting, that he would have declined the shooting had not the farm been offered to him; and he has agreed with Sir Henry for both;* and it is his present intention to divide the farm, retaining the house in his own hands, with a considerable portion of the land, for the better preservation of game. I remain, dear Sirs, yours truly, *Chester Cheston*.—To Messrs. William and John Sewell."

9030. Is that gentleman the agent of Sir Henry Bedingfield? Yes, he is; and to Mr. Tyssen too.

9031. You have stated that you have been laying out upon the farm at the rate of £1,000 a year for the last six years, in the purchase of material for manure? Yes.

9032. Do you consider that on leaving your farm, as you are now suddenly obliged to do, you will be able to take from the farm anything like the whole of that which you have expended upon it? *Certainly not; we must leave a good deal of our property upon it.*

9033. What in your opinion is the amount of the loss which it is to you to be compelled to leave suddenly now, as compared with having known two or three years ago that you would have to leave? If we had known two or three years ago we should not have made the outlay that we did, and we consider that we must leave a good deal of property from leaving at so short a notice.

9143. Mr. *G. Berkeley.*] Are rabbits preserved upon that farm? They were very much preserved after we got the farm.

9144. Are they now? This last year, after Sir Richard had notice that we were leaving the farm, they are keeping them down; but they began to increase the first year, and the last three years they increased to a very great extent.

9145. Do not you think that if farmers suffer in the way you describe, it is their own fault for taking farms subject to these things, with their eyes open? We depended a good deal upon what Mr. Becher promised us; we knew it was a game farm, but we did not think it would be preserved so as to injure us after he had promised that it should not.

9146. Are you generally in the habit of doing business in that slovenly way, taking a verbal agreement respecting the farm you are undertaking without coming to a specified agreement in writing? We should like to have some agreement of the sort, *but the agent said he would not allow anything as a protection against game.*

9147. Further than a lower rent? We had not the rent lower in consequence of that clause being withdrawn.

9148. But you stated that you sat a less rent than you would have given if the game had not been preserved? *Yes; we could have paid the rent if it had not been for the restriction as to the game.*

9149. You acknowledge that that rent was an easy rent on account of the game? We thought so at the time.

9150. Then it appears that your inclination to doubt your being well off on account of the rent and the game only came upon you when you began to contemplate leaving those farms? Our eyes began to be opened before we had been there a year and a half.

Most of the agricultural witnesses stated that game formed one of the main causes of the unwillingness of landowners to grant leases, and the consequence is most mischievous.

Mr. Cooper's experience has taught the value of verbal promises about game.

9479. Mr. *Bright.*] Who is the owner of the land? The Rev. E. B. Benyon, of Culford Hall.

9480. Has he any cure at present? He does duty in his own parish church.

9481. Is he rector? He is landlord and rector of two or three parishes, as many as he can hold by the law.

9482. Do you hold your farm upon lease? I do.

9483. What length of term? For the term of 16 years.

9484. How much of it has expired? Three years and a half.

9485. What covenant is there in your lease with respect to game? There is a reservation of the game to the landlord.

9486. Have you the right of sporting on your farm, or of coursing? Of coursing.

9487. Is there any restriction upon it as to the number of days? From the 1st of October to the last day of March.

9488. Have you the power of killing game in any other way? I have not; the game is reserved to the landlord.

9489. With respect to rabbits, is there any proviso? There is nothing in my agreement to prevent my killing them; but there is a verbal understanding that I should only kill them with ferrets and dogs two months in the year.

9490. When you took your farm, were you in any apprehension with respect to the game? I knew that there was game upon the estate; but no complaint had then been made, to my hearing, by the tenants who occupied on that estate of an excess of game.

9491. Did you say anything to Mr. Benyon, or to his agent, with respect to game? Mr. Benyon and his agent were together when I spoke to them on the hiring of the farm, and I asked to what extent I might consider the preservation of game would be carried, and his reply was, "Oh, Cooper, I assure you the game will not be preserved to hurt you." I consider that, after that, any further pushing the question would be impertinent on my part.*

9492. Did you consider that the statement of your landlord and his agent, both of them or either of them, was a sufficient guarantee that you would not suffer from the game? I did; and any further remark, on my part, I should have considered out of place and impertinent.

9493. Since that time, have you found the quantity of game upon your farm to increase? Certainly I have.

9494. Does that refer to both wing game and hares? Two years since there was a very large quantity of hares; they were then partially killed down; since that time, until the present season, we have not had such an over-abundance of hares; but this season, now that several owners of land in the neighbourhood are killing their hares down, and Mr. Benyon does not do so, they flock to this estate, because they lie quiet.

9495. With respect to partridges and pheasants? There is a large quantity at present; the partridges do injury.

* After reading the evidence before this Committee it is to be hoped farmers will have no delicacy in insisting on effective *written* agreements about game.

9496. You say that there is a large quantity of partridges? There is a large quantity of partridges, and a good quantity of pheasants.

9497. With respect to your right of coursing, might you kill any quantity of hares you pleased by coursing? I might you keep any number of dogs? I never keep more than a brace of dogs, but I consider that I have the right of coursing, and that I could use that right if I pleased.

9498. With respect to your own farm, have you found your corn when sown much eaten and pecked up by the partridges? Particularly so with the late-sown wheats. We have an extensive field. The wheats sown in November are particularly injured by partridges; during the thick weather that follows, the bird-boys cannot see the partridges. During the thick weather, and on moonlight nights, instead of going to rest or roost, they are very busy working and eating.

9632. Mr. *G. Berkeley.*] Have you had any disagreement with your landlord? I have had none with him.

9633. Have you had any disagreement with anybody upon the land? I have represented my grievances to his land agent, in a firm but very respectful manner.

9634. Who is the land agent? Mr. Rope.

9635. What reply did you get? The reply I received was, that he, Mr. Rope, has no power or authority over the game; it rests with the head keeper, to whom I was referred.

9636. Have you made an application to the head keeper? I have.

9637. What answer did you get from him? That the quantity of game is no more than the usual quantity; and he is very sorry that I do complain, *but he has no instructions to destroy them.*

9638. Is the game let upon that estate to anybody? No; the landlord is a resident gentleman, who kills it himself.

9639. Have you made any representation direct to your landlord? I have not had an opportunity of seeing him; and we are requested on the estate not to trouble the landlord, *but to mention our complaints to his agent.*

In a succeeding passage there is a glimpse of a subject which is attracting a good deal of attention amongst the tenantry, I mean the law of distress for rent. There is no doubt that that law is one of the principal causes which retards agriculture, and keeps tenants dependent; because the landlord knowing that, come what may, he can always levy his rent, and he is therefore more anxious for tenants who will passively submit to his caprices about game and so forth, than for men of enterprise and capital.

Mr. Marris has something to tell of the value of a game preserver's verbal promise.

10729. Mr. *Bright.*] You were asked whether the evil of the preservation of game did not bring its own remedy, if it was the cause of great injury or ruin to tenants. Is there in your county, or was there in Nottinghamshire, a very great competition for land? that is, if a farm was vacant, were there always farmers ready to offer for it? Yes.

10730. From your knowledge of the agricultural districts, is it your opinion generally that farms are easy to let; that there are almost always people ready to take farms? Yes, there are almost always people ready to take them.

10731. Do you know that there is such a law as that which allows a landlord to distrain for his rent? Yes.

10732. And if a tenant be injured or nearly ruined by game, so as to be unable to pay his rent, has the landlord through the law a power to levy for his rent before the tenant is allowed to pay his other creditors? Yes, I believe so.

10733. If a farmer fails in business does not the landlord step in by that law and secure his rent, even though the demand of other creditors may remain unpaid? Yes.

10746. Did the Duke of Newcastle ever deny that there had been a verbal agreement with Mr. Wilmot about destroying the rabbits, and having only a small number of hares upon your farm? I am not aware that he ever did.

10747. In the letter which he wrote to Mr. Skipworth, does he in any way deny that assertion that Mr. Skipworth makes, that there was such a verbal agreement? Not at all.

10748. Then you do not consider that that agreement was matter of doubt at all? Not at all.

Mr. Sturgeon had been driven to go to law with his landlord about the game.

10841. Mr. *G. Berkeley.*] You say that eight farmers looked at your wheat; were those farmers men who rented game farms? We took them from different places, to get respectable men whose words might be taken, and depended upon. I cannot answer for the covenants in their leases. I had one man to look over it who had an estate of his own, of 700, or 800, or 900 acres.

10842. Did they differ much in their opinion? No, they came to an unanimous opinion that the damage amounted to so much, and they all signed it.

10843. You stated that there was £34 16s. damage done to seven acres of turnips, and that the rest of the turnips had been fed off; do you mean to say that the damage done to the seven acres of turnips was entirely done by the rabbits? There cannot be a doubt about it.

10844. Do you mean to say, that at that time you were feeding off the rest of the turnips, none of your sheep ever got out of the fold? I should not like to swear that; but the bite of a rabbit and

the bite of a sheep are so different, that there can be no mistake about it.

10948. Have you got this action pending against the landlord? I am sorry that I have; but I do not consider that it is so much a question between the landlord and me. They say there are no rabbits, now I know there are.

10949. Lord *G. Bentinck.*] Over how many years do your claims for £500 damage extend? Four.

10951. And by a clause in your lease you are entitled to compensation for all the damage done to your farm? Yes; it was stipulated for at the time, that all injury done by rabbits is to be paid.

10952. Is there such a clause in your lease? There is.

10953. Then, having a legal claim for all the damage done, you have laid your claim at law for damage done to the extent of £500? Yes.

10954. And the tender to you on the other side is £35. Yes; that I could explain.

10955. So that your estimate of the damage is fourteen times what your landlord's is? That is the lawyer's estimate; I stated that I estimated the damage at £372 2s.

10956. But your landlord estimates it at £35? Yes; I could account for that.

Mr. Hobson mentions an instance where the tenant had been injured from the game having been given up to the landlord's son.

Mr. Gordon speaks of the recent increase of the game, and the consequent complaints of tenants.

Mr. Woodward had to make the ordinary application for reduction of the game, and received the same illusory promises.

Mr. Gauntley speaks of two tenants who had left the Duke of Rutland's estate in Derbyshire in consequence of the game.

The following contains a just rebuke to a petulant question probably presented the relation of landlord and tenant in a new light to the examiner.

14035. *Chairman.*] Are they (the tenants) less satisfied with their holdings than they were then? I do not know that there is much difference; they dislike the game as much as ever; they complain bitterly of the game privately.

14036. You do not know whether, before Captain Underwood went there, they were, generally speaking, behind in their affairs, and whether they have now repaid debts that they had then incurred? In the year 1833 the Duke of Rutland lowered his rents considerably, and in the year 1840 Captain Underwood came into the agency. There were several years, therefore, that the tenants

had been relieved in their rental; that might have some effect in mending their circumstances.

14037. Then it is the fact that their circumstances are mended? I do not know their circumstances, if they are mended, or if anybody does know that they are mended. I should think that may account for it; the Duke lowered some of the rents in 1833, some in 1834, and some in 1835; it took three years to do it.

14038. When did you say the present rents upon the estate in Derbyshire were fixed? Between the years 1833 and 1835.

14039 Was that before the game was preserved? No; the game has been preserved for more than 20 years past.

14040. Are you aware that the present rents were fixed in Derbyshire before the game was preserved? They were not; myself and John Harrison, the person named in the paper, valued the estate for the purpose of fixing the rents.

14041. You then took into consideration the game? No; we wrote in the Duke's book that this valuation was taken independently of any consideration of game damages; that if there were any damage done to the corn it was to be paid for.

14042. The rents were fixed as if there was no game? Yes, because the Duke had always been in the habit of paying them for the game damage.

14043. That is the reason why the Duke gives this compensation on account of the game damage? Yes; but the damage for grass is not paid for; the rent is fixed as if there was no game in existence; if there be any game, and any game damage, it is supposed that the Duke will do his tenants justice, and pay them for it. He pays for the corn, and the tenants know what the practice is; they have been used to be paid for corn, and not for grass.

14044. And a pretty fair amount of compensation has been given for the damage done? I do not think it has been too much; it has not been enough in many instances, I should say, and my companion who went with me would say the same thing.

14045. You have a strong opinion with regard to the game laws? I do not know; I love to see things right; I love to see justice done. I do not like to see the great men doing wrong; I do not like to see the Duke of Rutland doing wrong; because I look upon him as a worthy landlord in everything but that about the game preserving. I do hope that you great men will take these things into consideration for the poor. *If you take delight in sporting yourselves, and are making many hundred people unhappy, think what a thing it is. I know that they are unhappy; many of those men sit up at night even to watch and keep the game off, and hire people to do it.*

Mr. Landale said that Captain Wemyss's tenants were never satisfied with the valuation, and the landlord was also dissatisfied.

Mr. Pusey touches on the same points.

7731. Mr *G. Berkeley.*] When a tenant makes an arrangement with his landlord, as regards the game upon the farm, is it not the custom for the tenant to ascertain what amount of game there is on it? I do not think that tenants generally scrutinise that minutely. A tenant, when he is about a farm, may be eager to take it, and I can easily conceive that a case of hardship might arise in this way: if he takes it on a lease, and finds a moderate quantity of game, he might leave the game to his landlord rather than lose the farm, but the game might be increased to an unlimited extent in the course of that lease, and he would have no remedy. That might easily happen where the landlord became an absentee, and the game was let to a third party.

7732. Is not it in the tenant's power to stipulate that the game shall be confined within the limits of the extent to which he finds the land stocked when he takes the farm? It is in his power to do so, but it would be very difficult to define those limits; and, besides, a tenant when he wishes to take a farm would be unwilling to propose any stipulation *which implied a want of confidence in his landlord.*

7733. Still it must be, according to your opinion, a mere matter of agreement between the two parties? At present the tenant has the power of saying that he will not take the farm unless he has the game; but if he is anxious to have the farm, he is not unlikely to make an improvident arrangement.

7734. But still it rests entirely with himself; he has the power to do so, or he has the power to decline the farm? No doubt he has power to decline the farm.

Mr. Grantley Berkeley favoured the Committee with his notions of the "most desirable" conditions between a game preserving landlord and his tenants. I extract it for the benefit of farmers, for every person has not the frankness of Mr. Berkeley.

15480. Lord *G. Berkeley.*] Are you prepared to state to the Committee the conditions of such a lease as you would think the most desirable between a landlord who was a game preserver and his tenant? I have had as great experience as almost anybody, as to the different ways in which game may be governed upon the estates of different proprietors; and as there are estates belonging to my family where I can always have the amusement of shooting in a first-rate degree, I have used the places that I have rented almost more as places of observation of the working of the game laws and the preservation of game, than in any other sense. *Now I do know that the worst possible plan to adopt is, that of giving the tenant any sporting rights whatever;* they ought all to be vested in the landlord, because if those rights are given to the tenant, they are sure to produce ill-will and a bad system.* If he has the killing of the rabbits, he cannot do it himself, and he is obliged to admit upon his

* Mr. Pusey and Lord Hatherton say the contrary.

land the worst class of poachers. That brings him into collision with his landlord; and besides that, if the landlord has the woods in his possession, and does not take care to keep down the rabbits, the tenant cannot, under those circumstances, sufficiently protect himself. What I would recommend as regards the agreement between landlord and tenant is this: to establish a thorough understanding between men in all matters of agreement is the best prevention to misunderstanding. This is a rule found to be good in all the arrangements of life, and it is more immediately applicable to matters comprehending the preservation of game. In the first place, a landlord desires to let his farm to a tenant solely for agricultural purposes; all other contingencies attached to the possession of land he determines to reserve to himself. The landlord offers an agreement; the tenant accepts it or not, as he pleases. Each has his eyes open, and they are alike free agents. To maintain a thorough understanding and good feeling, *the tenant should be restricted entirely to agriculture: he should have no permission to carry a gun under any pretence whatever; he should have no permission to keep a sporting dog; he should have no permission to kill a rabbit or a hare for the following reasons:—very few men can withstand temptation;* very few stewards can be trusted with untold gold in their pockets; very few butlers with permission to drink ale can be trusted in the midst of an unlimited cellar of wine; *very few farmers can be trusted with guns in the midst of hares and pheasants.* The temptation to game is not stronger, if so strong, as it is in other cases; but if you permit a farmer or his men to carry guns for a particular purpose only, you at once establish a necessity for the vigilance of the keeper, and for a watch, which the farmer says he dislikes, as well as the chance of collision. If you give a farmer or his men leave to trap the rabbits, other game will be caught purposely perhaps, perhaps not so; it is ever difficult in such case to distinguish which; and there again the necessity for a watch is established, with a certainty of collision; for, purposely or not, the taking of other game is an offence, and cannot be otherwise considered. Again, if a farmer has leave to trap the rabbits, the person in charge of the game is apt to be careless as to the numbers bred in the covers. If he is careless, the farmer without his aid cannot keep the rabbits sufficiently under. The tenant then complains; the owner backs his refusal to listen to the complaint by saying, "If you have too many rabbits, you have your stipulated remedy in your own hands; you cannot therefore call on me for redress;" and thus at once a ground of complaint and dissatisfaction is established. If a farmer has leave to kill the rabbits, he must employ other than his agricultural labourers to do it; their time cannot be spared. *The worst description of people are then employed.* Poachers are admitted over the lands, and a general destruction of all sorts of game, as well as the endangerment of other property, is the consequence. Under the plea of killing rabbits, it is in the power of any evil-intentioned person so disposed, to drive all game off the land, either to places where they have the power of killing

it, or where people on an understanding with them can kill it; and they have thus a facility of injuring their landlords to an unlimited extent. *If farmers have permission simply to course hares with greyhounds, that enables them, if so disposed, to drive all other game away.* Their greyhounds are always at large; they are for ever self-hunting in the breeding season, when they disturb to desertion, or otherwise destroy, more nests of eggs and more young unfledged game than any description of mere wild vermin. This same objection at times attaches to the sheepdog; and on farms when the farmer had permission to kill the rabbits, remonstrance has been replied to by the assertion of the farmer, that his dog while hunting was only after the rabbits, and those he was justified in destroying. On farms where there is game a tenant should be permitted to sit at an easy rent, *sufficiently so to cover all reasonable damage by game.* It is infinitely better so to meet the objection than to leave open a demand for compensation. If there is an opening left for a demand, all visible injuries to crops, either by rats, mice, rooks, wood-pigeons, tame-pigeons, and small birds, trespass from cattle, or from insect or atmospheric damage, will be laid to the game and rabbits, and charged upon the landlord accordingly. Rabbits ought never to be given up to the keeper as his perquisite; he should be paid in hard money. If in cases where a keeper is not overlooked by his master, he will then have no interest in keeping up too large a stock of rabbits. If the prosperity and happiness of the farmer is to be considered, and he is to be a farmer, and not half farmer, half sportsman, half poacher, and half game dealer, the less he meddles with sporting rights the better. His occupation must be regarded as a lucrative trade, as well as a health-giving and beautiful amusement. The landlord has a just right to the wild animals on his estate, but at the same time he is bound to protect his tenants from injury. The fact that he has been and is induced to do so by every social tie as well as by his own interest, is a far better assurance that he has adopted and will adopt a just and politic course, than could be afforded by any interference from foreign legislation. The arrangement of landlord and tenant must of necessity be one of mutual agreement between man and man, the offspring of offer and acceptance. The difficulties between the interests of one and the pleasures of the other have been met, and can always be met by private concessions, while, at the same time, the abstract or mere interest of both, as regards their worldly position, are inseparable. The rights of private property and the relative position of landlord and tenant, place the landlord and tenant so nearly together, *and make the interest of the one so much the duty of the other,* that a legislative interference between them might estrange, while it could not in any way tend to the establishment of a more wholesome state of things, or induce a better understanding.

15481. Are the Committee to understand that it is your opinion that, amongst other things, *a compensation clause for damage done*

by game is an encouragement to the tenant to cultivate his land badly? Undoubtedly.

Can any opponent of the game laws and game preserving desire a more complete condemnation of the system than is contained in the above extract from the champion's evidence?

I shall close this division of the extracts by some passages from the evidence of Mr. Geo. Turner, the law agent of Mr. V. Shelley, who was called to displace some of the statements of Mr. Hayward, who had occupied a farm of Mr. Shelley's, in Sussex. There is a glimpse of the plan on which landed property is managed.

6144. Mr. *Bright.*] Are you of opinion that rabbits did increase considerably during the four years and a half that Mr. Hayward was there? Yes, they did, decidedly.

6145. Are you of opinion that there was a considerable amount of damage on that farm from hares and rabbits, principally from rabbits? There is no doubt that there was, in consequence of the way in which he farmed it; the crops were thin, and therefore the rabbits congregated upon that farm; Mr. Shelley's land is close adjoining; he farms 700 acres.

6149. When you let any farm as you let this to Mr. Hayward, the person taking it comes over it and looks at it, I presume, and forms some estimate of the probable damage, if it be a game farm? Yes.

6150. And reckoning this damage along with his rates and taxes, and other burdens upon the land, game included, he comes to an estimate of what rent he should pay? I should say, as I said before, that the difference in a farm where game is preserved and where it is not is estimated.

6151. Had Mr. Hayward any written agreement or any verbal agreement that the quantity of game should never increase, but be kept stationary where it was? No, he had not.

6152. Do you suppose that when a man takes a farm, as Mr. Hayward took that farm, his impression is, nothing being said to him, that as it is then in respect of game it is intended that it should be kept at about the same quantity, and not much increased? No, I do not say that, because the quantity of game must depend upon the season; he knows that it is a preserved farm, and he cannot calculate what quantity will be upon it; it will vary with the season. In wet seasons we have not so much game, and in dry we have more; in dry seasons they seem to come out of the earth almost.

6155. If you had taken a farm as Mr. Hayward, after making all those calculations of rates and taxes, and burdens of various kinds, and the rent that you could pay, and you agreed to pay £150

a year, would it not be a natural, though it may be only a tacit understanding, that the quantity of game should not be materially increased, or how can a man calculate at all? He cannot, unless he allows for a great outlay of capital.

6156. Did Mr. Hayward make application to Mr. Shelley for compensation? Yes.

6163. In estimating the injury done by game upon a farm like that, if you were going to take a farm, what reduction should you say you should have in your rent for a game farm, especially where there were rabbits, as compared with a farm where there were no game or rabbits whatever? I should want a considerable difference in the rent if there was to be a large head of rabbits kept up.

6164. Take the case of Mr. Hayward, would you think that a reduction of 20 per cent. upon the rent was a compensation? I should want that, certainly, if the rabbits were always kept up.

6165. Do you think that you would be justified in taking a farm like this at £75 a year with hares and a large stock of rabbits, when you would pay for that farm £100 a year if you had an undisputed right to take all the game? Yes; I should rather give £100 and clear the game.

6166. You would rather give £100 and clear the game, than give £75 and have the game? Yes, if it were preserved strictly; it would depend upon the disposition of the landlord to preserve the game.

It must be quite obvious from the foregoing evidence, that game, by promoting the continuance of yearly tenancies, and creating a feeling of mutual irritation and distrust between landlord and tenant, must, independently of its direct mischief, operate most prejudicially on agriculture.

CHAPTER V.

HOW THE MORALITY AND MATERIAL CONDITION OF THE LABOURING CLASSES ARE AFFECTED BY THE GAME LAWS.

It will be admitted that the mischiefs caused by game to the agricultural capitalists, the tenant farmers, are sufficiently serious to demand the prompt attention of the legislature to their redress; but these evils become, by comparison, secondary when the demoralisation of the labouring class, which game preserving produces, is understood.

The farmers, as a class, can, if they will, help themselves. They may refuse to take game farms. They had better remain out of business, even at some loss, until they can find a farm of which they can obtain the entire occupation; or, if the pressure of their families be such that they cannot remain unemployed without the risk of consuming the whole of their capital, they had better resolve at once to emigrate to America or Australia, where the moderate capital of an ordinary farmer would insure a livelihood and something more, with perfect social independence. To occupy a game farm is certain loss; in some cases absolute ruin to a farmer. Let this be thoroughly understood amongst farmers, and they will soon find game preserving abandoned by all the landed proprietors who cannot afford to make an enormous sacrifice of income for the sake of an unnatural and irregular enjoyment. There are the few who will do so; farmers, therefore, virtually have the remedy in their own hands.

Not so the labourers. They have nothing but their labour to depend upon; and when swarming game, the game which, in dry seasons, "seems to come out of the earth almost," * has year after year reduced the farmer's capital, and thoroughly disheartened him from all except the veriest routine cultivation,

* See the evidence of Mr. Geo. Turner, p. 325, a preserver's witness.

the labourers are the first to suffer. Without a single exception every agriculturist examined referred to game preserves as diminishing the application of capital and the employment of labour in farming, and thus game strikes at the root of the labourer's subsistence. Nor is this all; for the game having lowered the peasant's wages, by reducing the demand for his labour, the same overstocked preserve offers to him a temptation well nigh irresistible. Then follows the long train of summary convictions, double imprisonments, cumulative penalties, surcharges, sureties, and all the engines of the law, which game preservers put in force against the peasant who touches the sacred thing. Thenceforth he becomes a proscribed man, the game preservers' tenants dare not employ him, and the irregular habits produced by poaching render him less valuable as a labourer to those farmers who have no fear of offending their landlords by employing a poacher. And the proscribed labourer soon becomes a vindictive man. He is wronged, and he knows it. He suffers not in consequence of law made to protect property, but from law founded on "an unreasonable notion of property in wild animals." It requires not education, there is no necessity to have read Blackstone, to understand this. The untaught man's instinctive reason shows him as plainly as observation and inquiry satisfy the instructed man, that there can be no property in wild creatures, the *feræ naturæ* of the lawyers. The reader has seen what is the game law, and a formidable code it is; he has seen the waste of property, as well as the loss of self respect and social independence game preserving inflicts upon the farmer, and now he will have unfolded some part of the *ruin* it brings upon the labourers. In the eyes of game preservers and their gamekeepers, every labourer is regarded *primâ facie* as a poacher; from the boy, who, at 3d. per day, scares birds from the farmers grain, to the old man who can do little more than collect stray branches of dead wood,—the youth nutting with his sweetheart, or the ploughman strolling with his children, they must be all watched and driven away from the sacred precincts of the preserve.

Mr. Pusey has admirably described the way in which the

abandonment of preserving game had been a relief to himself and to all the labouring population of his parish. He said, "I think the preservation of game has a bad effect upon the relation between the country gentleman and the labourers. I think the labourers feel themselves, in a certain degree, objects of suspicion wherever game is strictly preserved. They *feel they cannot take their walks about the fields, or the woods, without being stopped, and their motives being called in question;* and my own belief is, from observation, that since I have done away with game, *my labourers have a more frank and open feeling towards myself.* I am certain that the relation between the landlord and the labourer would be improved by the abolition of this constant source of suspicion and collision between them." Can there be a more complete condemnation of the game laws, in every well constituted mind, than is contained in that brief sentence? And to a succeeding question Pusey answers, "I remember perfectly, that when I was eager about the preservation of game I was annoyed at seeing trespassers upon the land; and now *I find it is a very great comfort that I do not care who goes in any direction, or where a gun is fired off; and I must say that I have never felt greater relief from anything than from the total abolition of game.*"

And again: "It appears to me from my own observation, that the giving up of the preservation of game has a tendency to *restore a friendly feeling between the landowner and the labourers,* and that they feel themselves under suspicion where there is a very strict preservation of game;" and he adds in reply to subsequent questions, "I have often heard it discussed what would be the effect of abandoning the preservation of game in the increase of other crimes; but it appears to me that those who suppose that other crimes would be increased by the abandonment of preserving, forget that there is a very large part of the country in which there is no real preservation of game at this moment. The only change I have found since giving up the preservation of game upon my land, was, that there was more depredation on the woods; some of the limbs of the trees have been broken,

but that has been put a stop to by merely sending a person to look after it." Mr. Pusey also said that he had been "told by farmers, that the preservation of game had a very bad effect upon the characters of many of the labourers in the district;" and that the farmers do not consider the labourers in parishes which are highly preserved to be in general a good class of workmen. He also said, the "labourers do not regard poaching as an offence of the same kind as stealing any other property. The fact mentioned by Mr. Pusey, and to which I have before referred, that since he had given up preserving, and the game had been destroyed, the men who had been regular poachers "had gone to farm work."

Sir Harry Verney, who, as a reformed game preserver, and living close to the Duke of Buckingham's highly preserved estate, had good opportunity of observing the effect of game preserving upon the morals of the agricultural labourers, stated, "that it is often not men of the worst character in a district who take to poaching," but that they very often become the worst, for they are generally intelligent, daring men, and by poaching acquire the habit of being out by night, frequenting the haunts of crime, and resorting to every species of deceit and concealment; and he afterwards reiterated the same views.

Out of 539 prisoners committed in the county of Buckingham in the year 1843, of which 169 were for offences against the game laws, and that was a fair average of the proportions between game law-made crime and other offences; and on the Duke of Buckingham's estates, where game is so highly preserved, and a great force of gamekeepers kept, there is not less than the usual number of persons taken up for sheep stealing, fowl stealing, and turnip stealing, on other properties not preserved; and the only depredations gamekeepers and watchers prevent, are those committed on the woods. This tallies very closely with the account given by Mr. Pusey. Mr. J. W. Cooper mentioned a parish in Suffolk, in and around which many incendiary fires had occurred, as being inhabited by many confirmed poachers.

The experienced poacher, too, finds customers for the game in gentlemen who are desirous of getting up a stock of game; and large quantities of such game are constantly sent from poachers to Newgate and Leadenhall markets.

But it is not only from persons adverse to the game laws that evidence of their demoralising effect has been given, though such evidence has come out incidentally during the examination of game preservers. Thus Lord Salisbury, when asked whether "he thought that the lower class are more orderly where game is strictly preserved than where it is not; in fact, that a strict preservation of game has a favourable influence on the morals and character of the population?" ventured to answer, "Yes, that is my opinion." Yet he afterwards said, "I believe the commencement of crime in the rural districts to be generally poaching." And I quite agree in this latter opinion, though I leave it to the ingenuity of game preservers to reconcile the two answers. And who is guilty of the greater moral offence? the educated man who preserves this unnatural produce of a cultivated country game, or the poor and ignorant labouring man who poaches it? Let the public judge.

The Marquis of Salisbury also admitted, that the Chaplain of the Hertford County Gaol had reported strongly on the moral evils produced by the game laws.

So Mr. H. W. Wilson said, "that on his estate in Norfolk, poaching had become more difficult, because he had put down a band of poachers by superior force;" and added, "We have not that regular system of poaching that we formerly had; we always called a number of people out whenever we had reason to suppose that the poachers were coming; we determined to put an end to it, and we have done so." But the most decisive, because the fullest, evidence upon this part of the subject, is that of Captain William John Williams, one of the inspectors of prisons. Captain Williams's district is the northern and eastern; it begins with Cambridgeshire, and embraces all between the two seas to Cumberland and Westmoreland inclusive. He pays attention to the subject by influx of prisoners from particular counties and at certain seasons of the year for game law offences.

6692. Mr. *M. Gibson.*] Have you directed your observation to the cases of imprisonment under the game laws? The subject forced itself on my observation during the performance of my duties as inspector of prisons, from observing that there was a constant influx of prisoners being committed for infractions of the game

laws at certain periods of the year into the gaols and houses of correction, a great proportion, particularly from certain counties. Then, upon examination of the prisoners and of the officers of prisons, my attention has been further drawn to the subject by the result of those inquiries. I have also inspected, within the last few years, the warrants of commitment and conviction generally in the prisons.

6693. For all offences? For all, in most instances, of my district; and I have occasionally thought it right to refer them to Sir James Graham, or the Secretary of State for the time.

6694. You say you observed an influx of prisoners at particular seasons for offences under the game acts, in certain counties; can you mention those counties? *I should comprehend them generally under the agricultural counties.* There is a general influx of prisoners at certain periods of the year above any others; when the game seasons begin, the class of offences connected therewith naturally increases.

6695. Have you compared the severity of the punishments for offences against the game laws with the punishment for offences of other kinds, where such a comparison is capable of being made? I should say that it was almost impossible for a person so constantly in communication with prisoners but such comparison must have occurred to him. The cumulative penalties and the peculiarities of these laws, the length of imprisonment, and the severity of punishment, could not fail to strike my observation.

6696. What conclusion have you come to from that observation, as to the severity of the game laws in comparison with other laws? The conclusion I have come to, (I do not know whether it be a right one or not,) but my opinion is, that very great benefit would arise from the lessening the severity of these laws in many instances, and bringing them more generally into analogy with the criminal law.

6697. Do you consider the game law more severe than the laws for the protection of property generally? I think generally so, more so in its administration, and more so in itself.

6806. Mr. *Bright.*] Which county is the one in which you find the most prisoners for poaching, and in which do you consider the offence to be most rife? Nottinghamshire, Derbyshire, Suffolk, Norfolk, Rutland, Cambridgeshire, and Huntingdonshire. I may here observe that the application of the game laws varies most remarkably in various districts. It seems entirely dependent upon the individual feeling of the landholders, and which I look upon as one of their most injurious consequences. In one place you have a person who will carry these laws to an extreme, and in the next you will have a person who will scarcely have anything to do with them.

6807. Do you find the same difference with respect to the administration of the law for offences of other kinds? *Certainly not.*

6808. Then how do you account for it that there is that difference with respect to the application of the game laws? I think there is a feeling against them amongst many of the higher classes

of society, and a strong and universal feeling of sympathy on the part of the middle classes of society with offenders of that description.

6809. Is it your opinion, as far as you have observed, that the course of game law legislation as it now exists, and the administration of the game laws, is running counter to the great mass of public opinion? Yes; I should say it was. I have noticed that there is a very increasing feeling against it of late years; I think every year the feeling increases against it.

The offenders against the game laws never admit the justice of their punishments, and the effect of severity has proved anything but reformatory.

6726. Mr. *M. Gibson.*] Have you observed that prisoners after sentences under the game laws have acknowledged the justice of their sentence? I do not think they ever acknowledge the justice of their sentence. Very few prisoners will ever acknowledge the justice of their sentence; but I think there is a much stronger feeling the other way among poachers than others.

6727. From your experience among the labouring population, and your knowledge of their feelings upon this matter, do you believe that they attach the same sort of immorality to poaching that they would attach to stealing? Quite the reverse. Many times when I have spoken to them upon the subject of poaching, and warned them of the consequences, I have been replied to, "Well, I am not here for stealing. I am not on the other side of the gaol."

6732. Under the Night Poaching Act you have mentioned that a person was obliged to find sureties for his good behaviour for a certain period, and in default of so doing to be imprisoned; are you of opinion that it is right to subject a person to imprisonment and hard labour for not being able to find sureties? I think not. I believe it to be felt as a very great grievance by this class of offenders.

6733. Have you observed evils following from the imprisonment of persons under those circumstances? have you fancied that their morals have become deteriorated, and that they have left the prison worse than they came in? That is a question of prison discipline. My opinion upon the length of imprisonment is, that after a certain period it certainly is not beneficial.

6734. Have you made any observation as to quite young persons being in prison under the game laws? Yes; I think the number of juvenile prisoners under the game laws has increased of late years. I think it was last year I was inspecting the House of Correction at Walsingham, in Norfolk, and I found two, one of 11 years of age, and the other 13.

6735. What were they there for? They were there for a breach of the game laws. I am not quite sure whether it was for a trespass or not.

6744. Have you had an opportunity of ascertaining the opinions of chaplains and officers of prisons at all generally as to the operation of the present game laws? Yes, with regard to their effect

upon the prisoners, the opinion of the chaplains generally is, that they can produce no moral effect whatever upon the prisoners under the game laws; that they leave the prison only to return; frequently replying to their advice by saying, *that the game was made for the poor as well as for the rich, and "God made the birds of the air and the fishes of the sea for all."** Several chaplains have told me that they have ceased their endeavours to produce any moral effect upon the prisoners, thinking they may more effectually prevent their future addiction to the pursuit by showing them the temporal mischief which must await them with regard to their being driven out of employment, and the misery that must await their families. Poachers will often say, that they know they have done wrong, but they are not thieves; and they also frequently reply, "I had better do this than go to the union."

6745. Have you observed any change in public opinion amongst the middling classes of society, as to the effect of the present game laws? Yes, I think there has been a very growing change in public opinion within the last few years. I have been satisfied of that, both within and without prisons, in the different parts of the country I have visited. I think formerly the observation of the middle classes of society was a good deal taken off the severity of these acts, by their receiving frequent presents of game from the landholders and others, and therefore they considered themselves interested in some degree in the legal restrictions for its protection; but they now frequently exclaim against the sale of game by the landed proprietors; and I have heard farmers frequently say, that the landlord is obtaining another rent out of the soil by selling the game which their crops are feeding.

6746. Then do you imagine that the middle classes of society, generally, entertain a desire to see the present code of game laws materially altered? I have no doubt of it.

6747. Is it your opinion, from your own observation, that the Legislature of the country have benefited society, as a whole, by the Acts for the preservation of game? are you of opinion that more good than evil has come from them? That is rather a wide question; I can only judge of the Acts for the preservation of game by their effects. It is my opinion, certainly, that there no Acts of the Legislature which have tended more to destroy the friendly relations between the humbler and the upper classes of society, and I consider that there is no measure that would tend more to restore those relations than by softening the penalties and asperities of these Acts, and bringing them more in analogy with others of a penal nature. I am satisfied myself that if that were done the middle classes of society would be more disposed to consider the real question of property in game.

6798. Mr. *Bright.*] With respect to the opinion of chaplains, have you conversed with many chaplains upon this subject? I should say almost all in my district.

* This is substantially true, and accords with the opinion of Blackstone and of those educated witnesses who have given up game preserving from conviction of its immorality.

6799. Have you conversed with the chaplain of Ipswich gaol? The chaplain of Ipswich gaol has only been appointed within the last few months.

6800. The former one? No; I had no opportunity.

6801. Are there not statements in your Ninth Report of the opinions of chaplains of some of the gaols? Yes; several.

6802. Are you prepared to state to the Committee that the opinion you have stated as being given by one or two chaplains is the general opinion amongst the chaplains, as far as you have come in contact with them? I should say it was, amongst the chaplains and amongst the superior officers in prisons.

6803. Have the gaolers generally coincided in those opinions? My impression is so.

6814. Are you of opinion that there is a decided difference with respect to the view taken generally of the administration of the laws respecting game and the administration of the other criminal laws of the country which do not affect game? Certainly; and I should say that that feeling will increase very greatly, especially among the humbler classes of society, because the poachers are availing themselves of the public opinion in their favour.

6815. You mean to say that the fact of public opinion rather sympathizing with the poachers, makes the poachers more daring in their violation of the law? No question of it; I think with regard to poachers there are very different classes of poachers; there are poachers from the love of adventure and of sport, who are the most irreclaimable of them all; there are poachers from poverty; and there is the boy, the young man, who from early life has set his bird-trap, and who is always in the fields, and cannot resist the impulse of subjugating wild animals.

6817. Do poachers in prison often allege, as an excuse for having committed that offence, that they were poor, and had no other resource? *Yes, they do that.*

6818. In what counties have you found that most? I should say in Suffolk, in the neighbourhood of Beccles, where they pursue the herring fishery in the autumn; and if the herring fishery is unsuccessful many of them take to poaching, for in many cases they are dependent upon its success for their maintenance during the winter. If they do not, and sometimes if they do, being often bad characters, they resort to poaching, having nothing else.

6819. Are there many others that poach occasionally, who are not in other respects men of bad character? As far as I can depend upon the opinions of the chaplains, there certainly are many; there are many men who do poach, who are sent to prison, and who, I am persuaded, would not commit a robbery; there are many that pursue it for sport. An instance of this is now fresh on my mind, that of a man in Derby gaol, whose love of adventure and enterprise after sport is such that I think nothing would deter him from it, but I do not think that man would commit a robbery. There are many others who, from the love of adventure, go on to fowl stealing, and other things; they are a mixed race altogether.

A severity which others agree with the offenders in thinking extreme, naturally produces vindictive feelings in the minds of the labourers who have been convicted of poaching. Poaching is often the resource of a labourer out of work, to whom the preserves offer an immense temptation.

Mr. William Henry Grillith, who for eighteen years was governor of Shrewsbury gaol, gave some detail confirming the views of Captain Williams.

Some idea may be formed of the extent to which the labouring population in the neighbourhood of game preserves are thereby made criminal. The reader will recollect the statements made by Mr. Woodward, of the vast damage sustained from game on Lord Coventry's estate, near Pershore, in Worcestershire; and many detailed particulars of game law offences were communicated by Mr. R. Ackrill, who had constantly attended the petty sessions, at Worcester and Pershore, as reporter for the *Worcester Herald*.

Mr. Ackrill concurs in stating that, although poaching is not itself regarded as a crime, yet it leads men on to deep criminality.

Mr. M. Browne, an attorney of Nottingham, who had practised at petty sessions, stated some particulars in connexion with game preserving which make one shudder at its influence on the manners and morals of the people.

The testimony of Frederick Gowing, of Snape, near Saxmundham, in Suffolk, by profession a poacher, gives, perhaps, as clear an insight into the operation of game preserving and the game laws on the condition of the labouring classes as any evidence received by the Committee. Gowing was initiated by serving as a rabbit killer in the Marquis of Hertford's preserves for three years; he then went to sea for ten years, and since that had been living at Snape. He had been three or four times in Ipswich gaol, once in that of Beccles, and twice in Woodbridge; and within the last eighteen years he had paid something like £200 to £250 in fines for offences against the game laws.

Gowing gave the Committee an account of a chase the Marquis of Hertford's lad had after him, when he escaped by swim-

ming across the river. It was in the month of March, and he "had been after live pheasants to plant as store birds in another gentleman's preserves."

The graphic sketch given by Gowing of a poacher's adventures and of poaching life can only be told in his own words.

12814. Have you been in the habit of taking out a game certificate? Yes, I have taken a certificate for about 16 or 18 years.

12815. Have you, during the whole of that time, been much connected with persons who are accustomed to poach, and with the transmission of game from one part of the country to the other, and from Suffolk to London? Yes, I know some that do that.

12816. Are the persons in that district with whom you do business in matters of game principally labourers, who are in the habit of taking game? Yes; they are obliged to do so, *or go to the bastile-house at a certain time of the year.*

12817. If you wanted game for any particular purpose, and mounted your pony, how many persons could you go to within a number of parishes near Snape who would be willing to help you in obtaining it? I should find perhaps 50 or 60; it depends upon the time of season. After harvest I could find 100 poor men.

12818. Are they married men or single, chiefly? They are both married and single.

12819. Are they paid so much a head or a brace for what they poach? It depends upon circumstances; it depends upon what it is; they are paid so much a brace for hares, so much for pheasants, and so much for partridges; and it would depend upon whether the orders were for dead or alive.

12820. From your experience amongst those men, are you of opinion that many of them become poachers from want of employment and low wages, and general poverty? *Low wages is what brings them to it.*

12821. You stated that after harvest you could have 100; do the men frequently come to you after harvest to see if you can advise them in this matter? If they do not come to me, I know where to find them.

12822. What is the course which they take? The process is, that when the poor men are out of employment, of course they must have something to support them; they will call upon the parish, and the parish refuse to allow them anything, but they may go to the bastile.

12823. Do you mean the union workhouse? I mean the workhouse. A man will get an order to go to the house with his wife and half a dozen children, or eight; he will carry the order home, and the wife will refuse to go. There is a door for the man, and a door for the woman, and a door for the children. The woman refuses to go; then he says, "I will use my endeavours to get a little game to keep out of the union-house, as I might as well be caught under the game laws, and get committed for two months to

hard labour, as to get into the union-house, and then you can go yourself; then you and the children will only be obliged to go."

12824. Is it your opinion, from your acquaintance with those men, that low wages, or want of employment, or the fear of the union-house, is the cause why many of those have recourse to poaching to obtain a livelihood? It is low wages and the fear of the union-house.

12825. Do you think that the greater number of those 50 or 60 men you speak of are married or single? I think the largest portion of them are married men.

12826. Do you know whether, in your neighbourhood, the same rate of wages is paid to married men as to single? No, there is a difference in the wages; the married men get more than the single men.

12827. Is it your opinion that in that district where poaching is notoriously very common, if the farmers gave 12s. a week, and employed the men all the year round, the poaching would be very much lessened? Yes, I think there would not be half the poaching there is now.* I think a poor man would be satisfied with 12s. a week; but he and his wife and children only get now from 8s. to 9s. a week.

12828. With respect to those poachers with whom you are on intimate terms, would you say that those 50 or 60 men being poachers are also occasionally thieves? No, certainly not; *a poacher is not a thief.*

12829. Do you mean to say that no poachers are thieves? No; where it is a regular poacher that knows his business he gets more by game than he will by fowls; I have been a poacher the last 18 years; I should not thieve the farmers' fowls or his pig *when I can go in this oak cover or that birch wood and earn a sovereign in the course of half an hour.* If I were to steal a pair of chickens they would transport me; but poaching this game out of that oak wood or birchwood, or whatever it is, will not transport me; I should get three months for a night offence.

12830. Are you aware that there are many men who do take game who are also supposed to be guilty, and are frequently convicted, of other offences, as taking fowls and sheep? *They are not poachers; a thief is not a poacher, and poaching is not thieving;* I do not belong to that concern at all as to thieving, and I have not had any dealing with those who are accustomed to things of that sort; *I do not consider taking game thieving; it is a misdemeanor.*

12831. Is this the distinction you draw, that there are thieves who poach, but there are no poachers who thieve? *There are no poachers who thieve.*

12832. With respect to the season when game is killed, when are partridges killed by poachers? They begin the partridges in September, I suppose.

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* It will be remembered that game preserving prevents the high cultivation of land, and thus keeps down wages by limiting the demand for labour.

12833. And the pheasants? That would be about October.

12834. When are the hares killed? They will begin them at the same time as they do partridges, I suppose.

12835. Are not hares killed more than any other game, generally, more or less, the whole year round? When the hares are out of season the leverets are in.

12836. From September to February, what is the course of the poachers with respect to taking the partridges? how are they taken generally by the poachers? They are taken by nets.

12837. Is that by night? By night.

12838. How are the pheasants taken during the season principally? They are taken in different ways.

12839. What is the way in which they are mostly taken? Many are taken by the air gun.

12840. How is that done, by what process, or in what place? You go in a covey and shoot them with a ball.

12841. Is that when the birds are roosting? That is when they are roosting.

12842. From February, and during the spring, what is the operation then which the poacher is engaged upon? I myself have orders then for getting store birds, in March, such as partridges and pheasants.

12843. Are those taken principally by nets or wires, or in what way? Some one way, some another; some by nets and some by wires; there are different processes to go through to catch them; in many ways.

12844. Is there much done in eggs? Yes.

12845. In what month? They begin about the latter part of April to sell the eggs.

12846. Do you consider that to be the occupation for April and May principally? Yes.

12847. With respect to leverets, are there many leverets taken during the months of May and June? Yes, in June there are a good many leverets taken.

12848. How are they taken generally? Some one way, some another; there are different ways of taking the game.

12849. Are they taken by wires or nets? Some by wires, some by nets and dogs, and all that sort of thing.

12850. Are the leverets that are taken alive for stock principally, or for the table? Those that are taken alive, if I have an order to take them alive, they are generally for some gentleman to stock another estate.

12851. What becomes of the dead game? Some is sold to one gentleman, some to another; some is sent to market.

12852. Do you sell also to country dealers occasionally, and to game salesmen in London? Yes; I send to Leadenhall Market.

12853. Is it the practice in your neighbourhood for considerable quantities of live game, and leverets, and eggs to be obtained during the season, for the purpose of stocking other preserves? Directly the season goes out for dead game I have my orders regularly in for live.

12854. Where do your orders come from? from game salesmen, or from gamekeepers, or from gentry?' Some from gamekeepers, some from salesmen, *some from the gentlemen themselves.*

12855. Have you been in the practice occasionally of sending game to considerable distances from Snape or from Suffolk? I have sent eggs into Ireland, and some to Scotland.

12856. Have you sent into the county of Essex? Yes.

12857. Frequently? A great deal into Essex.

12858. Can you say that you have done a good deal to stock any portion of the county of Essex? I have stocked a great deal of Essex myself; there are several estates in Essex that I have stocked.

12859. Have you ever sold game that has been poached to nobleman? Yes; they pretty well all go to noblemen.

12860. Have you ever sold live game or eggs, or both, to members of Parliament? Yes, I have; the money has not been paid to me by the very gentleman himself, but he has had the game.

12861. Have you ever sold live game or eggs to magistrates? Oh yes.

16862. Have you ever sold live game and eggs to clergymen? Yes, this season.

12863. Have you any objection to state to the Committee the name of any nobleman to whom you have on any occasion sold game, or whose preserves you have contributed to stock? Those gentlemen have always paid me very honourably, and therefore I should not think of answering a question of that sort; I could do that; but what I have told is correct. Poor men cannot afford to buy them.

12864. Do you mean that your trade in this kind of game, live game and eggs, is with rich men and not with poor men? It is with rich men.

12865. Have you on all those occasions, or on most of those occasions to which you have referred, furnished the game to the keepers of gentlemen, or to the gentlemen more directly, or in some more circuitous course to the preserves? Some one way, and some another; generally to the keepers: sometimes a servant has met me with what they call a dog cart; they have met me half way, and taken the game away to the preserve. I did not want to know where it was going. Some gentlemen would be fearful that I should take it again. I got my money, and I did not want to know where it was going.

12875. Mr. *Bright.*] Is there any clergyman whose name you feel at liberty to mention? I do not know that there is any. There is a clergyman that pulled me up under the game laws once.

12876. Are you prepared to state distinctly and truly that you have sold, on many occasions, live game and eggs to noblemen, members of Parliament, magistrates, clergymen, and other gentlemen of property? Yes.

12877. Have you had recent applications to you from gamekeepers to find some game for their preserves? Yes, I have.

12878. What sort of game was it? Live leverets.

12879. Have you furnished them with any? Not at present.

12880. Have any of those keepers that you are acquainted with been poachers before they were keepers? Yes, some of them.

12881. Do you know any case in which a man who has been transported for poaching has been made keeper after he has returned? Yes.

12882. Will you state any case of that kind? The gamekeeper of Squire Sheppard, who has come to the estate at Ash, near Woodbridge; his name is Culling; he was transported, and now has come back again, and he is now gamekeeper to Squire Sheppard.

12883. Was he transported for poaching? Yes.

12884. Do you know that perfectly well? Yes; his name is Luke Culling.

12885. Did he go abroad, or did he go to the Hulks? I do not think he went further than the Hulks. I am frequently with the man, and he has told me himself that he has been transported, and what he has been transported for.

12886. Does it, in your opinion, disqualify a man at all for being a gamekeeper, that he has got into trouble connected with poaching? *Not at all, I should say.*

12887. Would you consider it a thing that a man has not much to be ashamed of? I should not be ashamed of it myself.

12888. Do you consider that the man of whom you have spoken would consider it a heavy disgrace that he had been so punished for poaching? I should not think he would.

12889. Have you any knowledge whether gamekeepers are occasionally in the habit of what is called "brushing" each others covers? Yes; they are in the habit of driving game from each other's covers a few days previous to the season coming in.

12890. Have there been many affrays between the keepers and the poachers in your district? No; they have not had affrays there; the poachers do not go armed with bludgeons; they go after game; they do not go after men.

12891. Have you ever taken any special care, or endeavoured to take it, that the persons with whom you are connected should not go armed with bludgeons, or with any deadly weapons? I always direct them not to carry arms at all; not any bludgeons.

12892. Will you tell the Committee any directions that you give to the men over whom you have influence? I have given them directions to go with no bludgeons, and with as small a party as they can, and if they are at all attacked by gamekeepers to escape, and get away, as the men are after their duty, and not to have any affray at all; not to fight, or to have any bludgeons.

12893. What is your feeling as respects gamekeepers? I respect gamekeepers; all men that are civil. Many of them lose their game because they are not civil men; they insult the poor men, and then when the poor man is mowing the grass, the clover grass, or the

stubble, if he meets with leverets, or with a pheasant's nest, he will cut the leverets legs off, and will destroy the nest. They ought to go in this sort of way, give the man a shilling, and let him get a drop of beer. If I was a keeper, I should do so out of my own pocket.*

12891. Do you consider that the gamekeepers are men doing their duty in pursuing their own occupation? Yes; there are some that do their duty, but there are some that do not behave well to the poor man.

12895. You spoke of men going in as small parties as they could; what do you call a small party? I call two a small party.

12896. What is your opinion with respect to a large number of the men with whom you are more or less connected. Do you consider that they are men of fair and honest character on other matters apart from poaching or otherwise? *I fancy they are honest men.*

12897. You said that you thought you had paid more than £200 for fines; was there any particular individual who used to defend you and your acquaintances? Yes.

12898. Who was that? His name was Churchyard, of Woodbridge.

12899. Was he considered very successful? Yes, he was very successful.

12900. Does he defend you now? No, the gentlemen have got him on their side now.

12901. How do they happen to have got him on their side? He was frequently successful in getting me and other men off from paying fines or going to gaol, and they retained him over on their side; they paid him more money perhaps.

12902. Who are the large game preservers about where you live? Lord Rendlesham is one.

12903. Any others? The Marquis of Hertford is another. The Earl of Stradbroke is another.

12904. Any others? Young Mr. Sheppard preserves a good deal; it is a small estate.

12905. Has he only recently come into the district? He has only recently come into the estate.

12906. Any others? There is Squire White, of Glevern Hall, and Mr. Moseley,† of Glevern, rears a great deal of game.

12908. Are there any clergymen who preserve? Yes; Parson Brown.

12909. In going over the country as you do, to a great extent, what is your opinion with respect to the farmers? do you think their trade and their occupation is injured by game? On some estates.

* Here the plan of bribing the farmers' men to preserve the game that devours the farmer's substance is broadly stated. This was referred to by several of the tenant-farmers examined.

† This gentleman was one of those who loudly and earnestly supported the corn laws on the ground that farmers could not compete with foreigners. Perhaps not when half their capital is consumed by the landlord's game.

12910. Are you on good or bad terms with the farmers generally? Very good.

12911. Do the farmers consider you a true farmer's friend? *If they dare speak their sentiments they do.*

12912. Do any of them dare speak their sentiments? There are perhaps some that do.

12913. Is the Marquis of Hertford's property greatly preserved? It is.

12914. Have you ever formed an opinion as to the amount of crops or of produce which is destroyed upon that estate by the game? The crops have been a great deal injured by game; some farmers that have got perhaps 150 acres, have 30 or 40 acres destroyed by the hares and rabbits.

12915. Are you aware that the rents of those farms are very low? The rents are very moderate on the Marquis's estate.

12916. Are they not very low? I have been told that they are low, but I do not know the rents myself; but I am told the rents are low, in consequence of the game, I suppose it is.

12917. Would you like to say anything to the Committee with respect to your own connexion with these matters, with respect to the mode in which you have carried on the trade of obtaining game, or with respect to the way in which you have tried to prevent violent affrays, and to cause as little damage as possible? One thing which I always told them is, not to come armed, and to go in small parties; of course that is not the way to do business, and not to injure the keepers; they have no business to injure the keepers. Suppose I was a keeper, I should not wish to be injured. I never go after injuring keepers. I have been pursued by gamekeepers many times, but I always tried to get away, and if they caught me, *I must pay or lay.*

12918. Are you on civil and friendly terms with the keepers in the neighbourhood generally? All the keepers in the neighbourhood.

12719. Are you known to the magistrates, and gentry, and clergy? I am known by all.

12919. Is it your opinion that you are worse looked upon or worse treated in any way on account of your connexion with game? No, I am not worse treated on that account; they behave very well to me; *I am very friendly with the keepers and the keepers with me.* When I meet them we are very sociable and comfortable; they do not insult me, and I do not them. I have no reason to do so.

12921. Is it so with the gentry? It is the same with the gentry.

12922. Do you ever have any conversation with gentlemen about game? Sometimes I have.

Mr. Berkeley then cross-examined him, and the colloquy between the game preserver and the poacher served to bring out some details which illustrate the general question.

12942. Mr. *G. Berkeley.*] Have you any land that you have a right to shoot over? I have no land myself; but there are some few farmers round the neighbourhood who have the shooting over their farms, and they do not care much about sporting, and in consequence of my taking out a certificate they say, "Old fellow, you may come on my farm and shoot the birds; come on the 1st of September; I want a brace or two to send to a friend, and after that you can have the birds yourself," something, perhaps, like three or four farms.

12943. Did they sell the game to you, or give it you? They take what they like themselves, and give me the remainder.

12944. When you appealed you employed a lawyer? When I appealed I employed a lawyer.

12945. Was that Mr. Churchyard? Yes.

12946. You say you should not have appealed if you had not supposed that it would have gone before 12 jurymen; did not your lawyer know whether it would have gone before 12 jurymen or not? I should say it is likely he did.

12947. Then he threw you over there? He threw me over there.

12947. In that case you did not get what you wanted? In that case I got beaten.

12949. Then that was, in your opinion, solely because the case was heard before the magistrates who heard the case originally? I should not have appealed if it had not been for my lawyer; he thought there would be a chance of getting off, and I thought it would go to 12 jurymen; and when it came to a decision they were the same magistrates that voted when I was convicted, and I was thrown over.

12950. You have stated that you take out a certificate; by having a certificate you have a right to sell your game? I have a right to sell game.

12951. And you can sell the game that all those poachers bring you? The certificate authorises me to have the game in my possession.

12952. And when game comes into your possession, your having a certificate gives you the right to have it? It will authorise me to sell to a licensed dealer, but not to retail.

12953. The game that you sell by your certificate is not the game which you kill yourself? Some of it I kill, perhaps.

12954. But not all? Certainly not all.

12955. You say that the labourers are obliged to league with you, or go to the bastile-house? They are not obliged to league with me, but they come and ask me many questions, poor fellows; after harvest, there will be many poor men out of employment, they will have nothing but to go to this, whatever you call it, union house or bastile, or whatever you call it; they do not like to go there with their wives and children, to be shoved one way and their wives another, and rather than go there they will go and will get a dozen or two of wires, and they will knock up a few old hares, and they will earn as much as they can along with the farmers.

12946. Do you supply them with the wires? Sometimes, if I have a little wire in the house I will let a poor man have a ring of wire that will make two dozen, but they do not want me to supply them, they can go to places and buy it in the towns.

12957. Then you employ those poor labourers from motives of compassion? Yes, some of them; I have lent them money to go and buy the wire; they have not had 6d. or a bit of victuals in the house; I have sometimes lent them 5s.

12958. Then pity is your chief motive for this? I have been very much vexed for them many times.

12959. Do not you think that your pity for them, and your lending them this money, is a likely course to lead them into a worse bastile-house than the one which they say they do not like? Certainly not; the gaol is quite equal to the bastile-house, or else they have told me falsities.

12960. The gaol is such comfortable quarters? They cannot hear the cries and screams of their children, nor the complaints of their wives, that is what vexes them.

12961. Then they would sooner be in prison than within hearing of their wives and children? Yes.

12962. You say that after harvest you can find plenty of those people? Yes; I do not want to go about to find them; they are standing about, there is nothing for them to do; there is nothing but this union-house for them to go to, *or else starvation*.

12963. Do you mean to say that, after harvest time you can find, close in your vicinity, 100 able-bodied men without any employment whatever? Yes; in a few parishes round my neighbourhood I can find 100.

12964. How many parishes? I should say about 10 or 15 parishes round.

12965. Can you find 100 able-bodied men without any employment whatever? *Yes, in 15 parishes round my neighbourhood.*

12966. Are all those good charactered men? There are some very good charactered men; I have not dealings with all of them, but I know the men very well, and I pity them: I see them frequently: I hear them complaining of want of work: they cannot get work, and there is nothing allowed them.

12967. Do you think it fair to judge of a man by the company he keeps? You may judge a little from that, I should say.

12968. Then do you think that their coming to you for employment, and their being employed in poaching, injures their character with the gentry generally? They do not come to me for employment.

12969. What then? They do not want to come to me for employment.

12970. What do they come to you for? They come to me sometimes, and then I pity them, and I ask them questions. Supposing they get an order to go to the house, they say, "Well, Frederick, I have got got an order to go into the house; I do not like to go there; what should I do?" I say, "Do not go thieving, you do

not want to do that." "What should I do? I do not know what to do; I do not know how to set a wire; I do not know how to get a head of game." "Then," says I, "I will tell you: knock up two or three dozen of wires, and prick them down a certain height, and you will earn as much, if you are fortunate, in one night, as you would get probably in a week by working for a farmer." HARES ARE VERY FREQUENT IN OUR COUNTRY.

12971. Do they take that advice? Some of them do. I do not wish them to do it. They can go to the bastile-house, or they can go where they like. A man asks me my opinion, and I tell him.

12792. Do you take the game they poach? Yes; there are plenty of people to take game: perhaps I take some of it. But there are pig dealers, under the Act now, that will buy a score of pigs, or anything of that sort; probably going to market on Tuesday, or Wednesday, or Saturday; they will take three or four hares from one man, and two or three from another, and say, "We are going to Woodbridge market; there is a man from Ipswich that will meet us, and we can sell them to him."

12973. Those men can sell them to those pig dealers? They do sell them to pig dealers and people that have carts going to market.

12974. Do you think that the present law for preventing the illegal sale of game is easily evaded? I fancy it is. Under the present law it is very easy. For instance, a salesman is under a penalty of £10 if he buys of a person who has not a certificate; but although I am certificated myself, I know many men that go to those men who have not a certificate; the man sells him perhaps six or eight hares, or 10, or 15, or perhaps 20; he says, "Come again next market day, and I will do the same;" and this licensed dealer knows that they are not certificated.

12976. Did you ever sell any to Mr. Brookes? I do not know that ever I did; I may have sold some game to Mr. Brookes, but I do not recollect; I have to Franks and Howard; and Stevens, in Leadenhall Market, I used to send to before this law came into force, when he used to sell the Earl of Stradbroke's game out of a drawer that he had to put them in.

12977. When these people talk to you, you tell them to abstain from thieving and to take a little poaching, because the laws for the protection of game give them a less punishment, whereas fowl stealing and sheep stealing give them a greater punishment? They would be committed for trial, and very likely might get transported, and they would not earn so much money either.

12978. In short, by stealing fowls they would not earn so much as they would by stealing game? Certainly not.

12972. You have stated that poachers use the air-gun a good deal? Yes.

12989. How do the country people get possession of air-guns, because a man in distress, or a man at low wages, cannot purchase an air-gun? I have been in the habit of purchasing two or three guns; I have now at the present time two air-guns; some-

times it does not suit me to go out; I do not wish to go out, or I have got something else to do. I say "Jack," or "Tom, you wish to get a brace or two of pheasants; you can take my old gun," and he takes my air-gun.

12981. How do you account for the statement which has been made before this Committee, that a great many pheasants are shot with air-guns? In our country they take them by night from the roost with an air-gun. There are many besides me that have air-guns; I can go into four or five towns where there are plenty of air-guns.

12982. Plenty of air-guns which can be had by labourers for poaching? Yes.

12983. Where do they get them? They can get them in London at any gun-smith's shop where they are for sale.

12984. How do poor men, who are in the receipt of small wages, get those air-guns into their possession? Two or three will sell a pig or donkey and buy an air-gun. They can buy an air-gun for 5os. or £2, or 30s. for an old air-gun, that will do for them very well; they do not want it smart and fine as a gentleman would want it.

12985. Is it not the fact that pheasants are often shot with powder and a gun with small shot in the night? We see by accounts in the papers, that in Suffolk they go with noisy guns; the men have a pop or two and then run away, but if I was there I could soon beat them hollow; I could take the game all away pretty nearly. That is the way we beat the Woodrows, when they first came to the Marquis of Hertford's, as his gamekeepers. They came to the Marquis's as very notable clever keepers, and when they came they said they were informed that there were a vast many poachers there; they said they would soon do away with the poachers, for they knew how to do away with the poachers; but they soon lost all the game, so that the Marquis of Hertford sent for me after I had swam through the river. He was dissatisfied with the keepers; the Duke of Wellington was there at the time; Mr. Robert Woodrow was the head keeper. His Lordship says, "Where are we going to-morrow?" the keeper says, "To such a place;" they go there, and they do not find so many as the keeper had estimated; his Lordship does not find half enough pheasants for his friends to shoot; next day they go out again and find it the same, and he is dissatisfied again. At last he gets talking about it after his dinner over the wine, and Horace Seymour says to his Lordship, "There have been fellows taking the game; there is a fellow that swam through the river last spring." His Lordship hearkens to it; he says, "The fellow has been taking off the game since he came out of gaol." The Marquis directly sent to me, and desired me to meet him that night when he came home from shooting. I could not meet him that night, for I was going away that very evening to London, but I got home and I met him a day or two after. I went into the drawing-room; the Duke of Wellington was there, and some other gentlemen, and he began asking me two

questions, that is, he asked me my name: I told him; he says, "Gowing, you are a small man, do you know my keepers?" "Yes, my lord, I know your keepers." "Well, and did they chase you once?" "Yes," I said. "What distance?" "So and so, four miles." "How did you get away from them?" Says I, "I swam across the river." Says he, "And did you suffer for that after you swam across the river?" "Yes," I said, "I was committed to Woodbridge for three months." Says he, "You ought not to have been committed for three months after swimming across the river." His Lordship was in Italy at the time, and knew nothing of it till Horace Seymour told him of it; he says, "I want to know if you have got any game off my estate since you came out from gaol?" I thought that was rather a curious question; I did not know what to say to his Lordship; I said, "My lord, if I tell you the truth I shall perhaps offend you." He says, "No, if you do not tell me you will offend me more: I should very much like to know, for certain reasons;" that is, that he had been deceived by his game-keepers; and I told him that I certainly had been on certain places, and what I had got within a little, to the amount of perhaps something like 2 or 3 or 400 head of pheasants! it was a place called the Church Car that he chiefly went to; he went there expecting to find about 300 pheasants, and he found scarcely half what he expected, for the reason that I had been there and taken them; that was before the last Game Act.

12986. Then the chief mischief that is done to game in your vicinity, is done by the air-gun? Yes, that is, in the season.

12987. Do not you find it a good plan in stripping a preserve of game, to set the cover across with snares, and then for one man to go, according to your plan of employing very few, and to creep about on his hands and knees, and then to tap the trees gently with a stick, and make the game shift to the line of snares, and then to creep round and make them shift back again? No, I have a different mode of taking game to that; you would not get any, scarcely, in that way; you might a few.

12988. What other plan in the day time? Many other plans; it is hardly fair to tell that; of course I could not tell that.

12989. You know that smoking a pheasant in a tree is all nonsense? Yes, it is.

12990. And you know that stuffing an acorn or a bean with horse hair is all nonsense, to take pheasants? A bean would not do.

12991. Nor an acorn? An acorn would not do.

12992. You have been a long time at the work of poaching, and you are pretty well to do? I am just so that I do not want to go to the workhouse, or the bastile, or whatever you call it.

12993. In fact, the Committee may look upon you as a proof of the little severity of the game laws? You may look, of course, as you think proper, as to that; as to this Act, it is of no use to talk about it, it is the greatest opening in the world for any man; any person may have game, and go about with it, so that he gets it into

his hand. I am taken before the magistrates, at Woodbridge Shire Hall, for instance; they meet me in my cart with a lot of pheasants or hares and wild game; I am brought before the bench of magistrates; there is Earl Stradbroke, Lord Rendlesham, Squire Thomas, and many more that I could mention: "Where did you get the game, Gowing?" Of course I am not going to tell them where I got the game; that is my game, who can say it is theirs? "Lord Rendlesham, is it yours?" "No, it is not." "Earl Stradbroke, is it yours?" "No, it is not." "Squire Shaw, is it yours?" They are not allowed to swear to it; of course not; it is my game.*

The demand for game out of season is also spoken to by Gowing.

Captain A. Robertson, the chief constable of the county police of Hertford, was called by the game preservers, and in answer to the question whether "there is less crime of all sorts upon lands that are strictly preserved, than upon lands that are ill preserved," replied, "That is a question which requires some little consideration. I should compare my books in order to tell you that precisely." And he afterwards said, "We have many who, as far as the police are concerned, do nothing but poach; they may do other things, but they come into our custody for poaching alone, and we do not know of anything else. *I have known men convicted as often as ten times for poaching, and we have not had them convicted for any other offence;* but sometimes there are a great number who poach, and who are also convicted of other offences, and there are a great number who have been transported who were first in as poachers." And again he said, "We have men who have been twelve or fourteen times in gaol for poaching. I can show you men in my books, month after month, and year after year in gaol, for the offence of poaching."

An anonymous witness, designated as A. B., was called by the game preservers, apparently for the purpose of stating, that when a poacher, he had sold poached game to many gentlemen engaged in trade in Lancashire, and amongst the rest to two members of the Society of Friends. To such shifts were the defenders of the game system reduced. This man kept a beer shop at St. Helens, in Lancashire. He had been transported

* Can any one more clearly show the inherent distinction between game and domestic animals?

for poaching on Lord Derby's estate; on some occasions he had got as much as £1 or £5 of a night by poaching, but stated that he had spent it in drinking and debauchery, and that it did not benefit his family. All these things had been fully proved by the evidence of those who saw the evils of the game system. Its admirers, however, were so blindly in love with the object of their adoration, that they aided in exposing its defects, supposing them to be beauties. On his return from transportation he left off poaching, but appears to have kept a house very convenient for poachers to assemble at.

Mr. William Storey, who is superintendent of police at St. Helens, gave an account strikingly condemnatory of the practice of game preserving in populous districts. To which I may add that of Mr. E. M. Boulther, chief policeman of Bedfordshire, and several other police constables, who were examined by the preservers, but the sum of their evidence was, that poaching is accompanied by much demoralization and vice, and commonly leads to other and more serious crimes; and that where game is well watched, it produces less demoralization than where preserved without.

Many of these functionaries also state, with a very natural *esprit de corps*, that if the police had greater power they could check poaching. Possibly; but in every county the magistrates, in deference to local public opinion, and in order to avert some of the unpopularity with which the rural police force was at first regarded, have found it necessary to give express directions to the police not to interfere with game. The main cause of the unpopularity of the force was the general belief that a police controlled by the magistrates must be used for the protection of game. They also speak of frays and desperate outrages committed in the attack and defence of game; but of such sickening details the public have had enough.* These points which the preservers have so laboriously brought out, only serve more utterly to condemn their game system.

* While these sheets were going through the press, an appalling murder was committed at Newton Abbotts, near Exeter, on the preserved estate of the High Sheriff of the county, by a poacher overpowered by numbers of game watchers.

CHAPTER VI.

THE ADMINISTRATION OF THE GAME LAWS.

Such a code as the game law has been shown to be, could scarcely, under any circumstances, have been administered without exciting dissatisfaction; but when the judges in game law cases are found to be in the great majority of instances themselves game preservers, or in some way attached to the system, it is not surprising that suspicion and jealousy should be added to the feelings with which the administration of the game laws is regarded. With the most thorough determination to act uprightly, the game preserving magistrate who adjudicates on a game law offence must feel himself placed in a very invidious position. And this is so strongly felt by most of the magistrates, that the evidence given upon this part of the subject abounds with statements of the precautions magistrates take to avoid suspicions of undue bias against game law offenders. Yet with all this care, a considerable bias is attributed to the magistrates, not merely by the labouring classes, but by most persons who have had experience upon the subject. Perhaps the severity of the code is such, that some of the obloquy justly due to the law falls upon its administrators; though it was conclusively shown that such irregularities in the administration of the game laws have occurred as to call for the interposition of the Secretary of State for the Home Department.

Mr. *Samuel March Phillips*, one of the Under-Secretaries of State for the Home Department, was examined on this point.

6054. Mr. *M. Gibson.*] Have you had any opportunities of becoming acquainted with the operation of the present game laws in your official capacity as Under Secretary of State? Of course; and last year I have had very full opportunities of seeing the working of the game laws.

6055. What were those opportunities which you had during the last year? It was in consequence of an order which the Secretary of State issued for a return of the commitments from all the gaolers in England. That was done in consequence of the Secretary of State seeing a statement, which was printed in one of the English counties, the county of Bedford, where he saw a return of the commitments in all cases, game cases and all others; and in that there appeared to be 201 *commitments; 143 game cases, and 58 other cases.* And it appeared also from that return there were four cases in which there had been clearly illegal sentences, the prisoner having been committed for three months, when the maximum of imprisonment by law would be two. In consequence of observing these things in the return for the county of Bedford, the Secretary of State determined to inquire into the manner in which the law was administered on the subject of the game laws; and he directed an order to be issued to all the gaolers to send copies up to the Home Office of the commitments in every game case on summary convictions.

6056. The return for the county of Bedford, which led to this more extended inquiry on the part of the Secretary of State, was a return of all offences? It was.

6057. But a circular has since been issued by the Secretary of State to the gaolers, requiring a return of all commitments under the game law? Yes; commitments on summary convictions.

6058. Have those more general returns led to any similar remark to that which was made upon the first return, namely, that many of the sentences were illegal? From the 23rd of May, when the business began, to the 11th of last March, the returns amounted to 1,849 commitments.

6059. Those were commitments for non-payment of penalties under the game laws? Yes. Of those cases a great many have been illegal; there have been forty discharges out of prison, under sentences clearly illegal, and there have been fourteen commutations of sentence besides.

6060. In the cases of those discharges you speak of out of prison, there was a free pardon by the Secretary of State? A pardon.

6061. Were those discharges on account of mere technical objections to the conviction, or were they discharged on the ground that the conviction was a substantial injustice? All the discharges were on the ground of the law having been actually violated, *the sentences being against the law.* There has been no instance in which a prisoner has been discharged because the commitment was defective in point of view.

6062. Then it might be considered that in all those cases, but for the discharge, the prisoners would have been imprisoned and subjected to punishment contrary to law? Certainly; and in a great many cases also in which there has been a commutation of the sentence, because in many cases the magistrates have imprisoned for three months, where by law they could only imprison for two. In such a case there has been one month remitted by the

Secretary of State. That has been in the form of a pardon. The Secretary of State himself has no power to discharge a man by his mere order; it is done through the form of a pardon. Therefore, of those fourteen cases of commutation, there have been many in which the sentence was too long, and the Secretary of State has therefore commuted the sentence, say from three months to two, recommending a pardon, and then at the end of the two months the prisoner would be discharged. *The irregularities have been of various kinds.* In all cases the Secretary of State has directed a letter to be written to the committing magistrates before the prisoner has been discharged; in all cases they have had notice of the irregularity of the commitment, and that he intended to recommend a pardon, and asking them whether they could suggest any reason why he should not be discharged. And in many cases where it has been doubtful, where there has been an appearance of irregularity or illegality upon the sentence, such as where it has appeared that there was in the conviction a statement merely that the prisoner has been charged with poaching, in all those cases a letter has been written from the Home Office inquiring into the case, to see whether there was a conviction or not, and what the nature of the conviction was; and in many cases they have written a letter explaining it, and satisfying the Secretary of State that the conviction was regular and proper, and nothing of course has been done in those cases.

6063. When those returns from the gaolers made their appearance at the Home Office, did they strike you, as a gentleman of experience in criminal matters, as showing that a very great deal of irregularity and injustice had been committed by the magistrates under the game laws? *I must say very great.* I have been very much surprised, and I have expressed my surprise frequently to the Secretary of State upon the subject. I could not have conceived that there could have been such. Not that the magistrate has been to blame in the matter, but the magistrate's clerk, who ought to know better, and who certainly must be, in many cases, extremely ignorant. I will just mention, if the Committee wish to hear it, some of the irregularities which have taken place. In many cases there has been too great a penalty imposed. Under the trespass clause in the Act of Parliament, 40s. is the maximum penalty. Sometimes £3 has been imposed under the trespass clause. Of course, in such a case as that, the man would be discharged altogether afterwards, because he had no opportunity of getting his discharge by paying the £2, £3 having been demanded, and upon his not paying that he was sent to prison; and in that case, therefore, *of which there have been many*, a pardon has issued. In many cases the imprisonment has been too long with reference to the penalty; the imprisonment has been for above three months, when the penalty was only under £5; in that case the imprisonment would be reduced by the Secretary of State. Then there have been many convictions by a single magistrate, when two magistrates had jurisdiction, and a single magistrate could not legally

act. In such a case as that, of course a pardon would issue. There have been convictions under the Game Certificate Act, where the magistrates have ordered six months' imprisonment with hard labour, which is against law. There is no hard labour justified under the Game Certificate Act; only imprisonment without hard labour. In that case the hard labour would be remitted. There have been several instances of double convictions and double imprisonments for one and the same offence; indeed I have known two instances in which there have *been no less than three punishments;* three imprisonments for one offence: I do not say under this return, but there was a complaint to the Secretary of State by one of the prison inspectors in the North, that a poacher had been sentenced to imprisonment under three different commitments for one offence. In that case of course the man was discharged: one was for poaching on Sunday, then he was taken under the Trespass Act, and then he was afterwards taken under the Certificate Act; I think he had 11 months' imprisonment altogether. That was about two years ago; and upon the representation of the prison inspector, the Secretary of State immediately recommended a pardon. There is another case which also, before this return, came to my knowledge in one of the counties: there the man had actually come out of prison, so that the Secretary of State could not give any assistance; but it was true, I know, because the instance was mentioned to me by a magistrate. That was a case similar to the former. The cases which I am going to mention of double convictions and double imprisonments for one and the same offence, under the returns which we have had, are the following: there has been a conviction and imprisonment for three months under the Night Poaching Act; and after that a conviction and imprisonment under the Assessed Tax Act; so that there were nine months' imprisonment altogether; three months under the first clause of the Night Poaching Act, and six months under the Assessed Tax Act. That last conviction and imprisonment under the Assessed Tax Act was of course illegal. If the Secretary of State had not come to the knowledge of this, in consequence of the returns which have been made to him under his order, the man would have had six months' imprisonment, every day illegal. There has been a conviction and imprisonment under the 23d section; that is the common poaching clause: and a second imprisonment, with hard labour for six months, under the Assessed Tax Act; so that in that case, if the Secretary of State had not heard of the circumstance in consequence of the return, the man would have suffered six months' imprisonment, every day illegal, after the three months under the common clause.

The way in which the Certificate Act is made to add to the punishment of game law offenders is frequently referred to by Mr. Phillips as amongst the greatest means of oppression under the game laws.

6064. *Chairman.*] Do you mean that the six months' imprisonment would have been illegal, or the hard labour? The hard labour. The case I am now mentioning is a conviction and imprisonment under the 23d section, and a second imprisonment, with hard labour for six months, under the Assessed Tax Act.

6065. You were understood to say, that this second imprisonment of six months was illegal, because imprisonment was joined with the hard labour? Yes. Then this is exceedingly common; I am not surprised at the magistrates making what I conceive to be a mistake, but this is exceedingly common. The magistrates have in many cases convicted and sentenced to imprisonment, under the 23d section of 1 and 2 Will. 4, and then that has been followed up by a second imprisonment under the Assessed Tax Act, the Certificate Act, for six months longer. Now by the 1 and 2 of Will. 4, a poacher who is convicted for three months as an uncertificated man for poaching is not exempt from the fiscal process, as I may call it; but it is quite clear, from the returns which have been made, that the magistrates (and I will mention a case) have not acted upon it at all with a view to the revenue, but have acted upon it merely as an Act of Parliament for the suppression of crime. It is quite clear, from the way in which the returns have been made, that in many cases it has been so; if it had been a *bonâ fide* prosecution for the revenue, how easy it would have been for the magistrates to say that they proceeded upon the information of such a person as the surveyor of taxes, that the prisoner has been shooting or killing game without a certificate; that ought to have been stated upon the return of the commitment from the gaoler; but nothing of the sort has appeared.

6067. Mr. *M. Gibson.*] You are of opinion that the Assessed Tax Act was not passed by the Legislature with a view to the suppression of poaching, but rather for the protection of the revenue? Certainly.

6068. Are you of opinion that that law has been made use of by the magistrates in a different sense from that which was intended by the Legislature? I have no doubt of it. I will mention one instance: two magistrates in the case to which I allude convicted under the 23d section of the Game Act; the very day after one of those magistrates proceeded against the man under the Certificate Act.

6069. Was he a commissioner of taxes? He was a commissioner of taxes. When a magistrate proceeds under the Game Certificate Act he must be also a commissioner of taxes, and then, as commissioner of taxes and as a justice, he may proceed upon the Game Certificate Act; but I have not a doubt that they proceed upon it in a great many cases, using it as an Act for the suppression of poaching, as they would use the 1 & 2 Will. 4. I am satisfied of that from the form in which the commitments have been made. The most oppressive acts that have taken place, so far as I can judge from the cases which have been inquired into, and from

the returns, the most oppressive acts by far have been done through the medium of the Game Certificate Act. There was a case in the last fortnight in Hampshire, in the Isle of Wight, where two magistrates, having received information, convicted, but in as small a penalty as they could, under the common poaching clause, the 23d section, thinking it an extremely hard case: one of the surveyors of taxes immediately heard of it in the neighbourhood, and proceeded against the man, and ran him up to a charge of £20; the magistrates remonstrated strongly against this, thinking it a most oppressive thing; the surveyor of taxes still persisted, and would not give it up; the magistrates represented the case to the Secretary of State, saying that it appeared to them to be great oppression; the Secretary of State could not do it himself, but made a representation to the Treasury, and the Treasury immediately put a stop to the proceeding.

6070. Are the Committee to understand that the return you have mentioned, which has been laid before the Secretary of State, and which brought to light all this irregularity and injustice, does not include any cases but those where the prisoner was imprisoned for the non-payment of the penalty? Only those cases.

6071. You have no return of the number of cases in which the penalties have been paid? No.

6072. You have no return of the convictions that have taken place at petty sessions? No; I should think there have been probably very few cases in which the penalties have been paid. I see, from looking at the Return for the county of Hertford in 1843, which has been drawn up for the magistrates I believe (I am not aware that it was done under the order of Parliament), there have been no instances in which the penalty for poaching has been paid; in almost all cases imprisonment ended the business. I see that there were seven cases in which, after commitment, the penalty was paid; but it does not appear how many there have been. This is only the commitments in the Bedfordshire Return.

6074. Is it consistent with the principle of our criminal law that a man should be punished several different times for the same offence? Certainly not; it is not according to the principle of our criminal law; it is directly contrary to the principle of the law that a man should be punished twice for the same offence.

6076. But the knowledge of the principles of our law, that a man is not to be punished several times for the same offence, does not seem to be possessed by the magistrates of the country? It certainly has not been acted upon in many cases; there ought to be in the Game Act an express proviso, that no person should be punished twice for the same offence. It would be very useful if such a clause as that had been inserted in the 1 and 2 Will. 4; then the cases I have mentioned could not have happened.

6078. Under the 23rd clause of the 1 and 2 Will. 4, c. 32, there is a proviso, that no person convicted under it shall be thereby exempted from any penalty or liability under any statute or statutes relating to game certificates; is there any proviso that a person

convicted under any other clause shall not be exempted from penalties imposed by this Act or other Acts relating to game? There is no proviso in any other case, excepting the 23rd clause.

6079. Therefore there is no express permission in the laws relating to game to make the penalties cumulative, with the exception of this particular case? Certainly, I conceive it was not the meaning of the Legislature, under that clause, that it should be used as an Act for the suppression of poaching, but merely as a fiscal remedy.

6080. Then it is entirely at the magistrate's discretion, and not either imposed upon him compulsorily or allowed to him permissively by law, that he makes the penalties cumulative? Certainly.

The Night Poaching Act again is a fertile source of the most grievous oppressions.

6081. Mr. *M. Gibson.*] Under 9 Geo 4, c. 69, if a person be convicted a third time of setting a snare one hour after sunset, may he be transported for seven years? Yes, certainly, he is treated as a felon.

6082. For merely setting a snare? Certainly, it would be so if he commits that offence a third time at night, that is, an hour after sunset, he would be liable to be transported for seven years, or to be imprisoned for any term not exceeding two years, with hard labour.

6083. Under that same Act, in every case is it necessary that the person should find securities at the expiration of his imprisonment? Yes; for the first offence he is liable to be imprisoned three months and to be kept to hard labour, and at the end of the time he is to find sureties for recognizance for not offending in the same way again for the space of a year.

6084. Supposing he fails to find those securities? Then, if he finds no securities, he is to be imprisoned and kept to hard labour for the space of six calendar months. There is no doubt that is very oppressive; supposing the magistrate should think that the offence only deserves a month's imprisonment, he may, instead of three months order him to be imprisoned for one month; but it is peremptory upon the magistrate to commit him, if he does not find sureties, for six months with hard labour, so that in that case he suffers for the misfortune of not being able to find sureties six times the original length of the imprisonment,—six times as much as the offence itself imposed upon him. It is the only case I am acquainted with in the criminal law, where sureties are required for not committing a second offence in any charge relating to property, calling game property. It is the only case I am aware of in which a magistrate has power to require sureties not to commit the offence again; and I am not aware of any case in the whole range of English law in which magistrates have the power, except

under this Act, of imposing hard labour with imprisonment in the default of finding sureties.

6085. Is it to be regarded as a crime, that a labouring man or a labouring lad is not able to find sureties for not committing the same offence? It ought not to be.

6086. But imprisonment and hard labour are awarded to the crime? No doubt.

6087. Therefore, if this be not a crime, it is great injustice to inflict such a punishment? Certainly; he is punished as if he had committed an offence.

6088. And six times as severely as the punishment of the offence itself? It may be six times as severe as the punishment itself; it must be at least twice as much; the maximum of imprisonment for the first offence is only three months; and six months' imprisonment for not finding sureties is twice the original punishment.

6089. The magistrate has no discretion as to requiring the person convicted to give securities? I think not; there has been no case in all the returns we have had in which the imprisonment has been any other than six months. What the Secretary of State has done upon that, is this: he has looked at the punishment to see whether it was one month, two months, or three months, and he has remitted the whole of the six months, except the amount of the original imprisonment. For instance, if the sentence of the magistrate had been three months, then, for not finding sureties, the Secretary of State has remitted all except a month and a half. Then in the second offence there is the same course taken by the Act; not finding sureties, he is to be further imprisoned and kept to hard labour for the space of one year. That would be exactly double the length of the imprisonment, because the maximum of imprisonment for the second offence is six months. I believe there is no instance in the whole law of England in which hard labour is imposed for not finding sureties, except in the Night Poaching Act. The last Game Act does not adopt the principle. No sureties are required under the Day Poaching Act, the 1st and 2nd Will. 4; but there may be cases under the Night Poaching Act, which are so mild in their circumstances as hardly to be distinguishable from the Day Poaching Act; it may be only half an hour sooner or half an hour later; or the person may be unarmed, and go single.

6090. In fact, the mere setting of a snare within one hour after sunset, if a man has been twice convicted before, under similar circumstances, renders him liable to transportation for seven years? *It does.*

6091. In comparing the laws relating to game with the laws relative to misdemeanors and felonies, and so forth, what opinion have you formed with respect to the severity of the two laws? The game laws are much the most severe; they are the severest laws, I will venture to say, in the statute-book; it is impossible to doubt it, I think.

Cumulative penalties and punishments for one offence are peculiar to the game laws.

6092. In cases of felony and misdemeanour, is it the practice in any cases to adopt these cumulative punishments under separate convictions for one and the same offence? Certainly not; it is against the principle of our criminal law. The first principle of our criminal law is, that a man is not to be punished twice for the same offence; there is no instance in which it is done. There may be civil actions and criminal prosecutions of course; that is a different matter. There may be an action for an assault, and there may be a criminal prosecution for the same; but it is utterly against the principle of the English law that any man is to be punished twice criminally for the same offence, and it could not have been the intention of the Legislature. With regard to the 1 and 2 Will. 4, there is nothing against the principle of the law in saying that a man shall not be exempt from proceedings relative to the revenue, and that the fiscal remedy, that is, the remedy which relates to the revenue, which is a public concern, shall not be touched by a proceeding under the game law. That is perfectly proper and right; but one great source of oppression, I think, is that the Game Certificate Act is used, in a great number of cases, as an Act merely for the suppression of poaching, and not for proceedings relating to the interests of the revenue.

6093. Who made the first representation to the Home-office which led to the circulars from the Secretary of State which have procured this information from the gaolers? The first information which the Secretary of State had upon the subject was that Return from Bedfordshire, and that was received by the Government from a magistrate. The Secretary of State looked into it, and was struck with some things which he observed: he thought it was necessary then to inquire how the game laws were working. This was the first information which led to the order.

Mr. Phillips was of opinion that it would be a great improvement in the law if certificates were put an end to altogether.

6102. Mr. *M. Gibson.*] Are you of opinion that the tenant can allow another person, under similar circumstances, to kill the game? The tenant can, if there is no contract, but the man must have a certificate.

6103. Does it not seem doubtful in whom the right is, because there is a proviso in one clause which states, that for the purposes of this Act the landlord shall be deemed the legal occupier? It is not very clear, and there is a law book upon the subject which has thrown out an opinion that the tenant had not the power. This Act of Parliament reserved the right of the game to the landlord, under leases existing before the passing of the Act; that rather shows that he would have the right before.

6104. That would imply that before that the property in the game was in the landlord? Yes

6105. What is your opinion upon the propriety of retaining a game certificate as necessary to entitle a person to kill game? I think it would be a very great improvement in the law if certificates were put an end to altogether.

Mr. Phillips thought magistrates should only act in petty sessions in adjudicating on game cases.

6110. Can a justice of the peace act in a poaching case where the offence was committed upon his own property? *There is nothing in the law to prevent it.*

6111. Have any such cases come to your knowledge? It would not appear from the return we have of the copy of the commitment; there is nothing in any law to prevent that; that is one of the alterations which ought to be made in the game laws, that every case of poaching should be heard and adjudged at petty sessions, by two magistrates at least.

6112. Do you think it would be desirable that there should be a regular return made to the Home-office of all game convictions? I think it would be very desirable; the return which we have had is certainly imperfect; I have no doubt the returns have been deficient in many cases; we have not received any information in a great many probably; it would be a very desirable thing that there should be a clause in any new Game Act obliging, I should say, the magistrate to make a return in all cases of the commitments; and there should be a return from the gaolers also. I think that might stop a good deal of injustice in the country; many illegal acts might be set right in that way. I think also it would be a very desirable thing if the magistrate were to endorse upon the commitment the clause of the Act of Parliament under which the man has been convicted; that would lead to a much better practice at the petty sessions; and I think it would improve very much the practice of magistrates.

Mr. Phillips delivered in tables of the game law, convictions followed by commitment to prison, and of other summary convictions, followed by commitment to prison. The result of those tables is, that during the five years 1839 to 1843, the proportion of game convictions to the total male summary convictions in England and Wales increased from 5·68 to 7·58.

The great difficulty of amending the law is the tenacity with which the country gentlemen cling to their present power by law to protect game.

Mr. Phillipps also thought a jury in game cases would be desirable.

The Certificate Act is confessedly used for the protection of

game, and to accumulate upon the head of men who have frequently violated the game laws the heaviest amount of punishment. Of this numerous instances were mentioned. Captain Williams's evidence on this point, also, is very conclusive.

6699. Mr. *Gibson.*] As to the length of imprisonment, have you made any observations upon that particular part of the punishment? The length of imprisonment entirely depends upon the award of the magistrate; but in connexion with the penal offence, there are cumulative penalties which attach to the same individual, under the Certificate Act. I think the Certificate Act has ceased in many instances, perhaps in the great majority of instances, to be an Act for the protection of the revenue. I think it is regarded and administered in most cases as a penal Act, and as an adjunct to the other Acts for the protection of game.

6700. There is a clause in the Game Act imposing a penalty for poaching without a certificate, but you allude to the Assessed Tax Act? I allude to both, in conjunction with each other. I have now a case before me, which it will be my duty to submit to Sir James Graham, upon the application of the Certificate Act.

6701. You find that the Assessed Tax Act has been applied over and above the Game Act, which itself inflicts a penalty for poaching without a certificate? I may state a circumstance which occurred within the last few days. Upon my last visit to the county gaol at Derby, I found in the prison there a prisoner in the convicted misdemeanants' ward; he was clothed in the prison dress, picking oakum, and under the discipline of silence. I have copies of the conviction. He complained to me of having been illegally apprehended, that the warrant had not been shown to him at the time of his apprehension; and in the course of my investigation of his complaint, I felt it necessary to call the surveyor of taxes before me, to ascertain whether he had given instructions to the constable to employ the police generally, to apprehend him without a warrant whenever they could find him in the borough of Derby. *The surveyor of taxes informed me that he had been obliged to proceed in this case;* that he did not proceed against people in this way for a surcharge unless he was satisfied that they had funds to pay the penalty, as it was only giving him additional trouble, and it was a loss of money and time to him; that he was allowed three guineas in every case where he obtained payment of the surcharge; and that he never instituted proceedings against individuals of this description who could not pay, unless it was at the instance of a gamekeeper, or some gamekeeper, or some gentleman, and that when a gentleman came to him, he thought it was his duty to interfere; that "he thought he must interfere," were his words.

6702. *Chairman.*] Did he state to you from whom he received the allowance of three guineas? From the Tax-office: his words were, that when a gentleman came to him (and he told me who had

come to him on two several occasions to press him to surcharge this man) he thought he must interfere.

6703. Mr. *Burroughes.* Whether the man had money or not? Yes; this was a case in which the man had not a farthing in the world. He is in prison at this time. It has often been a subject of very great surprise to me, that so many parties were not proceeded against; looking at the large number of persons who subjected themselves to the operation of the Certificate Act, the unequal application of the law has very often surprised me.

6706. Mr. *M. Gibson.*] Have you observed many cases of imprisonment under the Game Certificate Act for non-payment of the surcharge? They are not numerous.

6707. But you do know cases in which, after the punishment under the Game Act, another punishment has been added for not having taken out a certificate? Many; in some instances the punishment under the Assessed Tax Act has commenced first. I know an instance of a person being detained in Nottingham gaol for six months, under the Assessed Tax Act; and then he was transmitted to the house of correction at Southwell, for poaching; and as he was going out from the house of correction upon the first conviction another was handed in at the gate.

6711. Was it for the same act? One of them was for the same act for which he had been surcharged, and then there was a second conviction against him for another act of poaching. It is a very common thing that one, two, and three convictions will be out against a man. Now it has been decided that if those convictions are lodged at the house of correction at the same time, they must run out together; so in order to give effect to the punishment, when a prisoner is about to leave the gaol upon the first, there is a man ready to lodge the second conviction, and so with the third. This practice has occasioned very great inconvenience at the gaols with reference to the discipline of the gaols.

6216. As a matter of fact, have you found it to be the case, that a man convicted on one day has commenced his imprisonment at a distant period afterwards for the offence of which he had been convicted? *It is a very common circumstance.*

6717. Have you observed that cumulative punishments are so common or so frequent, as that they may be said to be general in many parts of England under the Game Act? I should say that cumulative penalties are not numerous: but I think that from their partial application, there is an apprehension on the part of prisoners, when they have been discharged, of their being surcharged or proceeded against for the duty.

Captain Williams speaks of the severity of the cumulative punishments inflicted under the game laws.

6718. What is the greatest amount of cumulative punishment that you happen to recollect connected with one offence of poaching? I recollect a case at Wakefield, of which I have a note. It

was referred to Sir James Graham, who immediately ordered the prisoner to be liberated. The man was detected on Monday, the 22nd of November. He was charged with three offences arising out of one; the first charge was a trespass on the 22nd of November (penalty £2, and costs 12s. 6d., or two months's imprisonment). Then there was using a gun for the purpose of killing game, on Sunday, the 22nd of November, the same penalty and costs, £2 12s. 6d.

6719. Mr. *G. Berkeley.*] On the same day? On the same day. The third was using a gun for the purpose of killing game without a certificate, on the 22nd of November, the same penalty and costs.

6720. Mr. *M. Gibson.*] There were three convictions in that case? Three.

6721. What was the period of imprisonment which that man on the whole would have suffered? The period of imprisonment was two months for each conviction, and the clerk or some other person had written on the two first convictions that the imprisonment was to be consecutive on the expiration of each two months.

6722. Then there would have been six months altogether? There would. After the expiration of the first two months I happened to visit Wakefield, and in the course of my inspection, these commitments were brought before me, and *I thought it right to submit them to Sir James Graham, who immediately ordered the man to be released.*

6725. Do they consider that it is a more harsh and more severe law than the Legislature has enacted for the protection of property in general? I should say they do, for they make frequent comparisons in prisons upon various clauses in those Acts; and I can mention the comparisons that they make. They particularly refer to being subjected to hard labour when unable to find sureties for night poaching. I have heard them frequently refer to that. They compare it with cases of assault, where there is no such proviso in the law.

There is a general impression amongst the middle and humbler classes of society, that the game laws are administered with great harshness. Captain Williams had constant opportunities of observing this.

6748. Is there any general feeling that the game laws are administered by the magistracy with severity? *I think a very general feeling throughout the country, both among the middle classes of society and the humbler.*

6749. Is there any feeling that the magistracy, being for the most part landowners themselves, ought not to be entrusted with the sole administration of these laws? I do not know whether the feeling takes that particular direction so much, but there is a general feeling that the proceedings under these laws by the ma-

gistrates are harsh, and that the punishments are excessive in comparison with those in other cases.

6750. Is there a general impression that the laws themselves are harsh, and that they are severely administered by the magistracy? Certainly.

6751. What is your opinion as to the desirableness of retaining certificates for taking game? I consider the connexion of the Revenue or Certificate Act with the penal statute, as having been the cause of much of the ill-feeling and mischief that have since followed.

There are also, as has been seen, irregularities in their administration which have required the frequent interference of the Home Secretary. Captain Williams refers to this point.

6755. Have you had any opportunity of remarking upon the irregularities in the proceedings under the game laws before magistrates? Yes, I think certainly in several instances I have. They have always been referred to the Home office, and have instantly received attention; and I may say generally, that since Sir James Graham has caused the convictions under the game laws to be sent up to him regularly, a very great alteration for the better has been observed in the administration. I look upon it as one of the most beneficial acts of official interference; it has acted in prevention, and, I think, *has softened in some degree the tone and character of many harsh punishments.*

6756. But the Committee do not understand that Sir James Graham has procured a return of the convictions, but only a return of the warrants of commitment for offences against the game laws? Yes. It is clear that the real facts of the case cannot come before Sir James Graham, but still the severities of the sentences have in some cases been mitigated, many irregularities have appeared on the face of the warrants of commitment, and the surveillance has been most beneficial. It has acted as a preventive and check upon irregularity and carelessness. I believe many commitments are left entirely to the magistrate's clerk, and they have been drawn up very loosely indeed, and I think that this has brought the attention of the magistrates more directly to the circumstances, and that their administration of these laws has very much improved; and I think they are more humane. I have observed, generally speaking, that the imprisonments are shorter than they were, and the penalties not quite so severe.

6757. You think that looking after the magistrates by the Home-office, has done them some good? My opinion is, that one of the greatest blessings that could be conferred upon the humbler classes would be, that there should be some tribunal by which all summary convictions should be tested.

6758. Have you observed any disinclination on the part of the magistrates to give an account of their proceedings to the Home-

office, or to be controlled by a central authority in the administration of summary justice? I cannot say that I have.

6759. Are you of opinion that it would be desirable that there should be a return of all summary convictions whatever to the Home-office? I think so, because I have had many instances where I have been obliged to report the summary convictions to the Secretary of State. I think harshness in the administration of one law becomes habitual, and that it is impossible but that this habit must communicate itself, and thus the whole administration of justice may be tainted with severity. *I think also the game laws have a great tendency to defeat a proper reliance upon the administration of justice in other cases.* I think no confidence whatever is placed in appealing from convictions under the game laws.

6760. Why do you form that opinion? Frequently when prisoners have spoken to me of the injustice, as they called it, of their sentences, I have said, "Why did you not appeal?" and I have had no answer but a shrug of the shoulders, and, "What is the use of appealing?" I think it would be a very great improvement, if the game laws are to be maintained, that the appeal in matters of fact should be to a jury, and not to the quarter sessions as a bench. I do not say on points of law, but on points of fact. Whenever the fact is questioned, I think if the appeal was to a jury, it would have a very beneficial effect.

6761. Does that observation apply to the game laws particularly, or to all summary convictions generally? It applies to all summary convictions, but more particularly to the game laws. I think there is generally a deeper sense of injustice felt with regard to the game laws.

6762. Are you of opinion that the administration of the game laws by the magistracy has been of a character to shake the reliance of the public upon the administration of justice in other cases by the benches of magistrates? I think the reliance of the humbler classes on the administration of justice is less firm with respect to the game laws than any others; they have less reliance when under the operation of the game laws than any others, less expectation of fair justice; in fact they are the only laws, I think, with respect to which they have that feeling.

6763. If a party is a repeated poacher, is it considered by the humbler classes that if he be charged with any other offence he comes before the magistrates under a disadvantage? I think so.

6764. Would there be a feeling that a suspected poacher would not stand so good a chance as another man, if he was brought before a magistrate for any offence. I think that is the public impression.

6963. Lord *G. Bentinck.*] You were understood to say that the recommendations you have to make would be that the revenue derived from the certificate duty should be spared, and that some longer period should be given for appeals than three days; how long? I should say certainly 10 days; also that the matter of

fact should be allowed to be tried by jury, apart from the question of law.

6964. Does not it happen that in poaching cases there could very seldom be an appeal on the matter of fact? are not they almost all cases in which the poacher is detected in the fact of poaching? I have before said that I do not think the right of appeal would be exercised in very many instances; but at the same time I think that, independently of its injustice, leaving the practical machinery for appealing, so difficult in the working as it now is, is so great a support to extreme opinions as to the game laws, that it would be the best thing to do away with it at once. It frequently is the case that when you ask persons, even of a better class of society, as to this appeal, they say, "What is the use of appealing to the same persons that have convicted you?" And therefore the intervention of a jury, where the appeal is upon a question of fact, would have a beneficial effect.

6965. You think it would do away with a great deal of unjust odium that now attaches to the game laws? My opinion is, that the game laws have in a great degree weakened the friendly relations once subsisting between the humbler class of society and the upper, which has been caused by their being so frequently in the antagonist situations of accuser, judge, and delinquent.

7024. Mr. *Villiers.* What do you think would be the result of cases of offences under the game laws being tried before juries; do you think convictions would be as numerous as they are now? *I do not think they would.*

7025. Would that result from an impression among the jury that the punishment is too severe, or that the law is one which ought not to be upheld with so much strictness? I think there are very many reasons to lead me to that conclusion. I think that perhaps the law is hastily administered in some instances in these cases.

7026. In what respect is that objectionable? Perhaps I should go further and say, that the evidence is not so thoroughly sifted in those cases as it would be in open court before a jury, and that perhaps other conclusions might be come to in some of the cases.

7029. Is there a general impression that there is in some cases a want of learning, and in other cases an undue interest on the part of the judge who adjudicates in these cases? I think not a want of learning, the magistrates are generally well assisted by their clerks.

7030. With respect to their having an undue interest in the case, is there an impression of that sort? Not so much as having an undue interest in the matter, but as being under an influence generally in favour of the game laws.

7031. Does that influence arise from a great desire to preserve game? *It is generally attributed to that by the middling and humbler classes of society.*

Sir Harry Verney, in reference to private convictions, also

says, "I think that magistrates ought not to act in game cases, except at the usual place and advertised time of petty sessions, which must necessarily be an open court, and to which the public have access. I have known very serious evils in consequence of that. I do not think any thing ought to take place, except in petty sessions in public."

Mr. Ackrill, the reporter, stated that he more frequently disagreed with the decisions of the magistrates in game cases than in any other.

Mr. Browne has mentioned cases of irregularity in the administration of game laws; but neither Mr. Browne nor any of the other witnesses imputed to the magistrates any thing more than a strong bias against poachers, and in favour of a rigid administration of the game laws.

Mr. Robert Richardson, a solicitor, of Oundle, in Northamptonshire, and who had been in the habit of attending the petty sessions in that place, not only gave corroborative testimony as to the administration of the game laws, but incidentally confirmed many other points spoken to by previous witnesses. It was the subject of much evidence *pro* and *con* before the Committee, whether magistrates who are game preservers act judicially in game cases from their own preserves, and though there appear to be instances in which it has not been very clear what character the justice sustained while his own case was being tried, yet generally there has been some kind of formal abdication of the judicial function, the justice whose poacher was under trial "going to the fire," or "retiring from the table," and so forth. The preservers were very intent on proving, first, that magistrates never acted in their own cases; secondly, that if they did, there was no harm in it. I have not extracted largely from the evidence on this point, because it is not any deliberate unfairness of which the magistrates are suspected in game cases whether their own or their neighbours' poachers are to be judged, but of a general bias towards the rigid enforcement of a peculiarly harsh code of laws. It is remarkable, that whilst most of the witnesses not interested in game preserving described the administration of the law as extremely severe, the game preserving witnesses declared it to be particularly lenient, and

some of them complained that the magistrates were so awed by public opinion and the press, that they neglected to do their duty, that is, inflict full punishment in game cases. This last view was much urged by Lord Fitzhardinge, and was more than hinted at by other game preserving witnesses.

CHAPTER VII.

DEFENCES AND APOLOGIES FOR THE GAME LAWS BY GAME PRESERVERS.

The defensive evidence of the game preservers assumed rather the character of apology and excuse than of actual defence. Nor were these apologies at all times consistent with each other, and many of them evaded the main points of the subject altogether. In the preceding extracts the reader will have seen most of these excuses referred to with more or less distinctness, but they are all reiterated with more positiveness and decision by Mr. Grantley Berkeley, from whose very amusing evidence I propose chiefly to illustrate this part of the subject. The points of defence were these: that game preserving is necessary to induce landed proprietors to reside in the country, and that by such residence the morality, the happiness and the employment of the labouring population are promoted; that without game laws there could be no game preserves, though almost in the same breath it is asserted, that without a large and vigilant force of gamekeepers, even with the game laws, game cannot be preserved; that game preserving creates much employment for labour; and a certain market for barley wherewith to feed pheasants; and that, under all these circumstances, if some small injury is done by game to agricultural produce,—which, however, preservers can scarcely bring themselves to admit,—there is ample compensation to be found in the residence of landowners on their estates, and the long train of supposed consequential benefits to the localities. That if there was no game law, there would be no game, and if no game, there would be no resident landlords, and that if there were no resident landlords there would be a great diminution of virtue and morality in the rural districts. But then the game system did occasionally as-

same a form which to the eyes of others than preservers looked like the cause of demoralization; and to meet this point a host of witnesses were called to say, that where game was well watched and guarded it actually improved the popular morals, and demoralization where it occurred was occasioned by the want of strict preservation. The latter branch of this proposition proved to be in a certain sense true, but then it showed that private watching, and not a most barbarous and obnoxious code of laws, was required, to preserve game and secure all its appendant advantages, if such there were. Occasionally the preservers shifted their ground, and admitting, hypothetically, that game might when in excess—though none of them ever saw anything approaching to excess—do some harm to farmers; yet that wire-worms, black-jacks, rooks, crows, moles, rats, and wood-pigeons did infinitely more. This was not responded to by the preservers' witnesses quite so readily as the landed-proprietor-residence argument; but still many of them seemed to think there was something in it. And lastly, there was the wire-worm argument, the honour of which appears to be wholly due to Mr. G. Berkeley. It was this: wire-worms and other insects injure the farmers' crops; pheasants and partridges eat wire-worms and insects; therefore pheasants and partridges benefit the farmers. The farmers, however—ungrateful men—scarcely seemed to appreciate the services of these feathered allies, but Mr. Berkeley attempted to shame their ingratitude by showing, or trying to show, that not merely were they benefited by the wire-worm and insect-devouring propensities of pheasants and partridges, but that the benefits thus conferred on the unconscious farmers far exceeded all the injury done to their crops by hares and rabbits. That in this way the balance of gain from game preservation was greatly in the farmer's favour. It is true, some of them were churlish enough to say, "Let the landlord get rid of his game, and we will deal with the wire-worms," and it is no less true that Lord Hatherton and other intelligent agriculturists took the same unkindly view of the exertions of the game birds and the benefits of game preserves, but that *may not* affect the soundness of the wire-worm argument, into which under this division it is proposed to

afford the reader some insight. I have before extracted some passages from Mr. G. Berkeley's evidence, by which he intended to show how little farmers are to be trusted with the privileges of killing game, and that their representations of damage from game are not to be relied on. Altogether, some of the extracts before given exhibit the temper of game preservers towards the class of capitalists who "till their honour's" estates in no very pleasant light. As a rule, game preservers attribute to bad farming all the damages farmers assert to have been done by game. I do not, therefore, do more than incidentally recur to that part of Mr. Berkeley's evidence. In the way of defence of game preserving, the honourable member's next attack was on the wood-pigeons, which, according to Mr. Berkeley, do most of the damage attributed to game. He then broaches his grand game-compensating theory.

15451. Lord *Geo. Bentinck.*] You are understood to state to the Committee, that the good done by the pheasants, the partridges, and the rooks, in the destruction of the wire-worm, counterbalances any injury that they do to the farmer by the consumption of grain and turnips and other matters? I think the good done by the pheasant and partridge infinitely outweighs any harm that they themselves occasion to the farmer's crop; and I think further, that the damage actually done by the hares and rabbits—not that which is sometimes charged, but the damage actually done by the hares and rabbits, would be amply repaid by the good that was achieved by the pheasant and partridge.

He then proceeded to state his indictment against the wire-worms, and exculpation of the pheasant and partridge.

15452. I am not now asking you with regard to hares and rabbits, but with respect to wood-pigeons, and pheasants, and partridges, and I wish to know whether in the opinions which you have stated to the Committee you are singular? No, I think I am not singular; in fact, I have entered into a calculation as regards the pheasant, the partridge, the rook, and the wire-worm, which, with the permission of the Committee, I will refer to. I am quite certain that the view which I take of the subject is the view which not only every practical man, if he considers the whole subject, must take, but that it is the view already taken advisedly and maintained by *The Royal Agricultural Journal*. You will find that according to Mr. Walford, as quoted in the Royal Agricultural Journal, volume the fifth, 1845, pages 470 and 471, "The injury which the public sustain by the ravages of insects," commonly known as the wire-worm, "may in some measure be calculated from Mr. Olley's loss in 1802. He sowed 50 acres of a clay soil with wheat; out of

these 10 were destroyed by them, which were re-planted by dibbling in one bushel of seed per acre. The price of wheat at that time was 8s. per bushel. One-fifth part of the quantity sown was destroyed by these noxious insects." Mr. Walford calculated, "that the quantity of wheat lessened to the market by the depredations of the wire-worms, is very frequently, if not annually, 60,000 bushels, which occasions to the farmers an additional expense of at least £15,750. This was merely the value of the seed re-sown on clover lays, old pastures recently broken up, pea and bean stubble, dibbling in and harrowing." The fly which causes the "frit" grain in barley, also occasions to the farmer the heaviest losses, and even in the remote period when Linnæus wrote, "the annual loss in Sweden occasioned by that insect amounted to 100,000 golden ducats, or about that sum in pounds sterling." If a corn crop follow turnips in a field invested by the wire-worms, it is astonishing if it escape being swept off entirely, for Bierkander says, "In the spring and autumn they have good appetites. I have often observed that a single worm has bitten from eight, twelve, to twenty stalks in one place; and if one destroys so much, what may not thousands do?" *See* vol. 5, *Royal Agricultural Journal*, page 190. Dickson, as quoted in the same work, says, in speaking of the wire-worm, "Such are their ravages, that sometimes it compels the discouraged farmer to lay down valuable land as pasture to very great disadvantage; and in 1842," a period mentioned by several witnesses before this Committee, "in many parts of England, the oat crops suffered so severely from the ravages of the wire-worms, that it became necessary to plough them up, and sow a second time." By way of experiment in hand-picking, "351 wire-worms were collected by a child at the plough-tail, in a piece of land 600 feet long and 56 feet broad. In each furrow, according to its length, were found from 4 to 6, 10, and 14 wire-worms." It is then granted on all hands by the *Royal Agricultural Journal*, as well as by every practical man, that the wire-worm is the most fatal foe the farmer has. That being an admitted fact, and as pheasants and partridges have been charged with occasional damage to crops, it will be fair to consider whether they do not afford to the farmer more benefit than injury. Let the Committee observe, then, the two positions in which I place the pheasant and partridge, and let their first position be that of consumers of produce. There are only brief portions of the 12 months in which the pheasant and partridge feed on grain at all; they are when the grain is sown, and when it is ripened into harvest. At all other times they feed on insects, or on the artificial food placed purposely for them in the woods of the proprietor. The duration of their destruction of corn is therefore necessarily short; and even while it lasts, acorns, beechmast, the pignut, and wild bulbous roots are at their disposal more or less, and their favourite food of all, the insect, is ever free to their access. At no time or period of the year, then, can the pheasant and partridge be said to live entirely upon the farmer's produce. As occasional de-

predators to a small extent only, I give them two months out of the 12, and I am quite sure that I then over-state it. Let the Committee, then, view them in their other capacity, as the farmer's friend, and the cheapest of all his servants. Now it will be necessary here to refer to the rook, to make out the evidence which I wish to lay before the Committee. The rook takes also occasionally from the farmer's crop, but he also is governed by the same law of utility as the pheasant and the partridge; of the pheasant and the rook, then, I design at present to narrate. To make the subject plain to the Committee it will be necessary for me again to quote from the *Royal Agricultural Journal*. In that work Mr. Spence gives an instance as to by far the most effective mode of getting rid of insects. Mr. Spence quotes from a provincial paper, the *West Briton*, in November 1838, a time spoken to by some preceding witnesses. In the *West Briton* it was stated, "that Mr. G. Pearce, of Pennare Goran, had saved an acre and a half of turnips, sown to replace wheat destroyed by the wire-worm, and attacked by hosts of these larvæ, by setting boys to collect them, who, at the rate of 1¼d. per hundred, gathered 18,000, as many as 50 having been taken from one turnip. Thus, at the expense of only £1 2s. 6d., an acre and a half of turnips, worth from £5 to £7 or more, were saved. The boys collected 600 per day, and 30 days' employment was given them at 9d. per day." To have earned that sum in 30 days, if I am right in my calculation, there must have been 30 boys; 30 boys at 9d. a day in 12 months, excluding Sundays, would earn £352 2s. 6d.* If 400 wire-worms weigh one ounce (I have weighed meal-worms, and found that 202 meal-worms weigh an ounce), those 30 boys gathering 600 wire-worms a days a day, would be 13,673 years and 260 days collecting 468,000 lbs., or 290 tons weight of wire-worms, in round numbers. I must now quote from the *Royal Agricultural Journal* again, vol. 5, p. 208. It has been observed by Mr. Clitheroe, in the *Gardener's Magazine*, and thence quoted by the *Journal*, "that at Weston-in-Wharfdale, in the county of York, the estate of Mr. Vavasour, there is a rookery estimated at 10,000 strong, and that nine-tenths of the food of the rooks consist of wire-worms, insects, and their larvæ; for although they do considerable damage to the fields for a few weeks in seed-time, and a few weeks in harvest, at other times insects compose their entire food." Each rook is given to have picked up one pound of food per week, nine-tenths of which were of insect matter, the wire-worm and larvæ. So far the quotation. I have kept rooks tame, and I know that they will consume much more than the amount ascribed to them in the foregoing statement. Consequently in 12 months only the 10,000 rooks collected and destroyed 468,000 lbs. or 209 tons of the most destructive and fatal enemy that the crop of the farmer has. The rooks therefore effected, at a trifling cost to the farmer of a portion of

* The reader should bear these calculations in mind, as they were afterwards submitted to a somewhat rigorous test, of which more presently.

crop, what it would have taken 30 boys at £352 2s. 6d. a year to have done in the enormous space of time extending over 13,676 years 260 days; one rook in 12 months, according to this calculation, being equal to 50 boys in the same time. I will now contrast the pheasant with the rook. The words which Mr. Clitheroe applies to the rook as to effecting a certain amount of damage to the farmer's crop for "a few weeks in seed-time and a few weeks in harvest," are equally applicable to the pheasant. Collecting the periods at which the pheasant feeds partially on the farmer's crop, I put them together at two months out of the 12. There are therefore eight months in which the pheasant feeds on the insect tribe, and on the stacks in the proprietor's woods. It is by all acknowledged that there are at least "70 beetles which engender the wire-worm," on all of which, beetle, wire-worm, or larvæ, the pheasant feeds, and throughout the summer maintains her young. I hold that when the rook feeds on insects and the pheasants on grain, the rook is the largest consumer. On an anatomical examination there is a quicker passage for the food from the rook than from the pheasant. But when the pheasant feeds on insects as well as the rook, the pheasant is by far the largest consumer, not only from the size of the bird, but because the food passes away from the nature of it almost as quickly as from the rook. In the breeding season the brood of the pheasant is numerically double the size of the rook, and the pheasant is always on the ground while the rook is not. Again, it may be said the pheasant is frequently in cover, and not in the fields. But then it should be remembered that many a "parent of the wire-worm lives in the decayed bark of trees," and they are frequently found at the foot of the tree, beneath the bushes, where no other bird than the pheasant would be likely to find them. Now it is an authenticated fact, that a pint and a half of the wire-worm has been found in a pheasant's crop. I mention a pint, because in this box (*producing a small box*) are contained 51 meal-worms at this present minute, and that box will contain, according to computation, 400 wire-worms, consequently the Committee will conceive the quantity in a pheasant's crop, containing a pint and a half, when that box will contain 400. It is an authenticated fact that a pint and a half of the wire worm has been found in a pheasant's crop. Considering that 400 wire-worms may be contained in a moderately sized pill-box, such as that, I leave the Committee to judge of the quantity that would be contained by the crop of the pheasant. Consider then the number of pheasants, partridges, and plovers or pewits, (for the preservation of game protects the plover tribe as well,) which are contained in a well-stocked manor or manors, and that, from examination, the plover is supposed to consume 100 wire-worms in a day, and that a partridge, from my own experience, will consume double that amount, then I ask the Committee to what other conclusion can the reasoner come, than that each of these birds are to the farmer well worth the wages of the boy? and that if they took a little from the crop on the land in the way of wages, *after all they would be the cheapest and most effective servants the farmer has.*

Mr. Berkeley then goes on to show, by reference to zoological writers, that "birds and animals are the farmers' best friends." In the following essay, providence and the game preservers are said to go hand in hand.

15460. Referring in that statement to rooks and birds of different descriptions? Yes. I have continued the calculation upon the feeding of the pheasant, and I have referred to several of those passages that have been brought under my notice, and with the permission of the Committee, I will finish the calculation. I wish to state, that when farmers and casual observers, or observers observant only with a view to fix a fact on a source whence redress may be obtained, whether redress from that source can be legitimately demanded or not, see pheasants at feed on clover lays, they affirm that the game is at feed on what is called "the heart of the crop," because the pheasant picks into the heart of the plant and destroys its vegetation. Now past experience and experiment lead me to know that such is not the fact. In the early part of the winter, upon clover lands where barley has been, the pheasant frequents the "lay" to pick up the shed corn. After that, when the corn is gone, on repeated examinations, I have found the crop of the pheasant so feeding to contain the wire-worm, insect matter, grubs, &c., with a slight mixture of the clover leaf. (This fact has been tested by other gentlemen as well as by myself.) Pheasants may also be seen feeding, day after day, on grass lands in and about one spot, particularly on gravel soils, and a casual observer would suppose them to be gathering grass. If killed, however, the crop is found to be filled with the pig-nut, or with a sort of bulbous root much like a small white turnip-radish, intermixed with a small white snail or grub, which seemed either to have fed on the bulbous root, or to have harboured beneath the grass. In rearing young pheasants and partridges I have ever found failure, to a great extent, attendant on my efforts, unless each successive season I made the experiment on fresh ground. By examination of the crops of the young birds that died in the one instance from ill health, or in the other from casual hurt or injury, I found a vast difference in the amount contained in each, of insect food. The birds on the stale ground were almost empty; while on the fresh site the crop was filled with insect matter and wire-worm. The birds of the preceding year had nearly destroyed the requisite food; and the birds who succeeded them failed from the want of a supply to their natural necessities. This fact, and the natural conclusion from it, I have found still correct when carried out and tested in a wider field. The quantity of pheasants particularly, as well as of partridges, though not in a similar degree, will be governed on any land by the supply or failure of insect food; and however healthful the apparent soil for game, man, with all his artificial uses, cannot force a manor to bear a greater number of pheasants than the law of nature wills. The bird cannot live without the insect, the inju-

rions increase of which it was designed to check; the one curtails the other; and the wire-worm cannot overrun the face of nature where the pheasant is, and the pheasant dies when the insect duty is done, and the design of creation accomplished. All these remarks are set down from a series of different experiments for the last number of years. There is another fact which should be noticed; and here you will find me borne out again by the *Royal Agricultural Journal*. It is, "that in dry seasons, when the ravages of the wire-worm are more to be dreaded," then the broods of feathered game are stronger and more numerous. Those seasons are always found, at least in nine seasons out of ten, to be the finest seasons for game*: as if it was mysteriously and beautifully arranged in the universal system, that in proportion as one injury arose upon the face of the earth, a natural remedy should also appear to check its baneful influence. The partridge, though not so large a bird as the pheasant, rears in the breeding season a larger average of young, and contributes proportionally to the destruction of the insect scourge. We must then speak of the plover (because where game is preserved the gun is forbidden to be used to any amount), the lapwing or pewit, which with its apportion of a hundred wire-worms a day, labours for the farmer's good without taking in any instance a seed from the produce of the land. Let the public but refer to the known resort of these birds, to the turnip fields, the moment the young are strong on the wing, and can congregate to quit their breeding grounds. Unlike the pheasant, the partridge, or the rook, or the jackdaw (for the latter must not be forgotten as the constant enemy of the wire-worm), the plover never touches grain, but lives entirely on worms and larvæ. Instead of contracting the law for the preservation of wild creatures, it would be infinitely more wise to extend it.

Mr. Berkeley then gave instances of destruction of grain by rats, of which farmers know somewhat too much; and said that cats which take to killing game do not continue good mousers. Mr. Berkeley, also, met Mr. Gayford's experiment as to the quantity of food consumed by rabbits or hares, by the following statement:

15473. It has been stated to the Committee by some witnesses, that two hares, by others that three, four, five, or six hares or rabbits will destroy as much as one sheep; and they have received evidence of the result of an experiment by Mr. Gayford with respect to tame rabbits and sheep; have you turned your attention to this subject? I have. I have made a calculation, and I think arrived

* The year 1844 (a very dry season) will be a memorable one to the farmers on preserved estates. Every farmer examined referred to the abundance of game that year, certainly without any mention of the "natural remedy" for a "baneful influence."

at the only result which a contrast of the animals and the amount of figures will permit any man to arrive at, and I will place the facts as plainly and as shortly as I can before the Committee. It has been asserted that from four to five rabbits of the large tame breed eat as much as one sheep, and that therefore from four to five hares eat as much as one sheep, because the tame rabbits and the hare were about the same weight. To prove that such cannot be a just conclusion, or that the trial made between the large tame rabbits and the sheep by Mr. Gayford was no criterion in regard to the sheep and hares upon the farm, it will be necessary to state the following facts: *that the large tame rabbit and the hare can in no way be assimilated to each other; the large tame rabbit and the wild rabbit are also widely different.* I have kept the large tame rabbit in confinement, and I have kept the same at large. I have kept hares tame and in confinement, and closely observed their habits and natures when at large. The appetite and inclination to feed of the large tame rabbit is totally different from the hare, whether both are tame and in confinement or both at large. Such rabbits in confinement will feed and fatten, and increase in size till they become more than double the weight of any hare; they can be fed to weigh from 16 lbs. to 20 lbs. The inclination of the hare to feed in a tame state or wild will simply permit of the animal's being kept in good healthful condition: the average weight of a hare, taking the jack with the doe, is from seven pounds to seven pounds three quarters, and from that to eight pounds. I have never killed them to reach nine pounds and a quarter, but I have known of one nine pounds and a half, and heard of one of ten pounds. A tame hare cannot be fattened. A large tame rabbit is a vast consumer over the hare. On an anatomical examination of the large tame rabbit, it will be found that nature adapts herself to the customs of an artificial mode of living; and that not only is the desire for food increased, but the stomach of the animal becomes larger and capable of containing greater quantities than that of either the hare or rabbit in their wild state. The same facts will not apply to the hare when tame. The large tame rabbit will also breed four times as often as the hare, and in greater numbers at a birth; which for the support of her milk, adds to her desire for sustenance, and renders her an increased consumer. I have at the present time in my possession four hares in a tame state, and nearly of full growth; I look upon it that for the last month they have been feeding as much as animals of that description will feed when arrived at maturity; because in all growing creatures there is a greater demand for sustenance to maintain the growth of the body just previous to arriving at perfection, than there is afterwards. I have contrasted the quantity of food eaten by a tame hare last year, with the food eaten by a full-grown gazelle, and I have done the same by the four hares and the same gazelle now in my possession. The four hares are together in an open wire cage on the lawn; the gazelle during the day is at liberty on the lawn, at night she is confined. The gazelle will feed at times during the morning

and throughout the day on grass and flowers, but the hares care very little for food till the afternoon. The gazelle herself is a light and changeful feeder. Each of these animals is fond of oats and of bran; the gazelle will in one night, in addition to the food she gathers on the lawn, consume as much bran as six hares, and the same if each is fed on biscuits. She will consume as much green food during the night as four hares. I arrive, therefore, at the conclusion that the gazelle will consume during the 24 hours as much as from five to six hares in the same time.* I have reared a lamb, and kept it tame when grown up, and from observation I have made on the constant feeding of the sheep, and the quantity consumed, I am of opinion that one sheep of the average size will consume as much food as from eight to ten gazelles in 24 hours. I have weighed the stomachs of hares on several occasions, as well as the stomachs of wild rabbits, each when full, and the average weight of the average-sized hare's stomach, when the hare is in condition and fit for the table, is from three ounces and a half to four ounces, or four ounces and a quarter. The average weight of the full stomach of the wild rabbit is from two ounces and a half to three ounces. The average weight of the full stomach of an average-sized South Down sheep, fit for the butcher, is from 11 pounds and three quarters to 12 pounds, and 12 pounds and three quarters. I therefore set the average size of the full stomach of a sheep in condition at 12 pounds, and a hare's at four ounces.

15474. What do you call a sheep in condition? A sheep in condition is a sheep that the butcher buys in the best condition to kill: consequently, by the best and closest calculations which the contrasts will admit of, the given proportion in the consumption of food between the two animals will be about 55 hares to one sheep.

15475. Are the Committee to understand that from your calculations, both as to the comparative weight of the stomachs of sheep and the stomachs of hares, and from your experiments in the feeding of the two animals, that the sheep consumes as much as 55 hares? A sheep consumes as much as 55 hares. I will now give the total weight of the sheep and the hare, and contrast the weight of an unusually large doe hare in the breeding season in the month of July, this present month, when her stomach was unusually extended, and in the instance to which I refer unusually full of very succulent food, with the weight of rather above an average-sized South Down sheep killed for the table. Weight of the entire hare, 9¼ lbs., weight of the full stomach 7 oz.; weight of all the intestines within the body, full stomach, heart, liver, &c., 2 lbs. 14 oz.; stomach alone, when cleaned of all food, 1¼ oz.; this was an old doe hare, much above the average size, which had done giving suck,

* M. Berkeley does not seem to have addressed himself to the statement that hares and rabbits racing about do damage not to be calculated by their mere consumption.

and the stomach unusually full in heavy green food. The hare was weighed July 5th, 1845. Now, as to the sheep: weight of the entire sheep, 147 lbs., or 18 stone 3 lbs., 8 lbs. to the stone; this is the sheep just as he is dropped; weight of the full stomach, 17 lbs. or 2 stone 1 lb.; weight of the intestines, full stomach, heart, liver, &c., 42 lbs., or 5 stone 2 lbs.; stomach alone, when cleaned of all food, 5 lbs.; this was a three year old or six-tooth South Down sheep; the stomach was not unusually full; the sheep was weighed July the 7th, 1845. The sheep for the butcher, in winter, of different kinds, range, taking in Christmas time, from 9 stone up to 28 stone. The utmost weight of any hare that I have ever heard of in any season, summer or winter, weighed 10 lbs. I now approach the comparison between the waste or chance destruction of food of the sheep and the hare, which will apply equally to the wild rabbit. The sheep, if always confined, which it is not, would of course be greatly abridged of the power to waste or damage; but sheep are frequently left at large, and they frequently break bounds; the whole flock will often escape the fold, and most flocks have one or two sheep in them who will jump the hurdles when others cannot do so, and be constantly doing mischief. If for five minutes in a field of turnips, the flock in their spread and close to be driven in again, having escaped their fold, in each individual instance bite and damage a turnip in the way complained of by the farmer in regard to the hare, and if the fatal injury to the turnip, by infraction of the rind, be true, then a flock of three or five hundred sheep will do as much damage to the crop, or more than the largest preserve of hares ever known could effect in the same time. Thus, for instance, though forty hares have been the outside number said by foregoing witnesses to have been seen in one field, place that number at 55; contrast also the power, size, tooth, and extent of the bite of a sheep with that of a hare. The proof of the calculation would be, placing the flock of sheep at 500, that, by breaking bounds in a turnip-field for five minutes, the flock of sheep, in amount of damage, would effect as much as 27,500 hares in the same time. In addition to this, the hard-edged and horney nature of the sheeps' hoof, their weight and repetition of tread, will injure turnips and other crops; whereas the weight of the hare and rabbit, the form of their foot, and the thick brush of hair with which it is covered, prevents them from effecting a similar injury. It is also an admitted fact, that the oily nature of the sheeps' wool is greatly detrimental to vegetation, as well as poisonous and prejudicial to fish. The former may be seen in young plantations, into which sheep have broken, and even on thorns, hedges, and briers, where they rub. The latter is proved by the sickened state of fish in rivers and streams, while sheep-washing continues. The contact of the fur of the hare or rabbit is not hurtful to vegetation in any way. The hare is, of course, always at large; but against that fact it is but fair to place another. The hare, as well as the rabbit, live half their lives in the landlord's woods; they feed upon the wild herbage, dry bents, dry leaves of all sorts, wild parsley,

sow thistle, and the young shoots of heather and gorse. When seen in wheat or barley they are not always feeding on the crop, but very frequently on a small wild grass that springs between the stalks of the corn, as I have frequently proved, by shooting the hare or rabbit while at feed, and examining the contents of the mouth. The hare will also cross through and leave whole crops untouched to reach and feed in distant heaths and downs, the short sweet herbage of the latter of which she is fonder of than any other. This is proved by the use of the runs through the fences necessary for her to pass in her passage from her cover to the down; and it is this fact that enables the poacher so often to intercept her on unprotected lands, or otherwise with the net and wire. Tenants of lands so situated, having the right to the game, may in such instances kill a vast many hares without having fed them in any degree. The hare, as well as the rabbit, frequently feeds in the deer park, and in the grassy glades, rides, and paths of the landlord's woods, as well as on the stacks of barley, loose barley, and Swede turnips placed in the covers purposely for the game. In the fall of the year the hare also feeds, to a considerable extent, on acorns. The hare and the rabbit are, therefore, frequently in a position to do no damage whatever. In regard to the manure from the hare, the rabbit, and the sheep, it is of much the same quality, amenable to quantity, and governed by the same law of injury and benefit according to its use and application, one with the other. Taking all the facts into consideration, and viewing them side by side, the nearest conclusion that can be arrived at by calculation is, *that in amount of consumption* 55 *hares must be equal to one sheep.*

Mr. Berkeley then gave what may be termed an essay upon gamekeepers and poachers. The gamekeeper should be, and is, a person in whom great trust can be put; he must be quiet, industrious, civil, and resolute, and of great sobriety. Such are the Berkeleian gamekeepers. That a poacher should not be made a keeper unless he has repented of his evil ways; then he may have a trial under a severe and strict eye. Then as to the poacher, he is seldom a good labourer, of idle drunken habits and peculiarly neglectful of his wife and family. Men never poach from distress; when poverty has been pleaded as an excuse, it has proved untrue. Poachers are usually men in the receipt of good wages; they must be trained to the business, and know the haunts of game; they invariably spend the money they get in drinking and gambling, and usually possess but indifferent characters,—and much more to the same effect. Beer-shops are the peculiar horror of preservers. There is always a connexion,

real or supposed, between the beer-shop-keepers and the poachers, in which the one sustains the character of the tempters, the others of the tempted. Beer-shop-keepers are decidedly on the game preservers' black list. More police supervision, and *license from the county magistrates* (there's the rub) could alone make these dreadful tradesmen fit to dwell in the same atmosphere as a squire. The police ought to be empowered to stop on the high road poacher-like looking men. The sale of game is an abomination; game salesmen and poulterers ought to keep a register of all the game they sell, which should state from whom it came and to whom sold. Magistrates should appoint inspectors of these registers. A certificate should not authorise the sale of game. Such may be deemed the burden of the game preservers' lament over feudal privileges, which are slipping away from them, and a dismal dirge it is. The great use of thus showing what the game preservers would do if they could, is, that the public may take care to prevent it.

Mr. Berkeley then said, "All crime exists most where there is no preservation of game;" a bold assertion, certainly, after all the evidence which had been given on the subject. But he afterwards explains, "that there is always a certain amount of game which will induce a poacher to try to kill it, and he will be better satisfied with a small amount of game and no chance of detection, than a large amount of game and the probability of detection." Now this is a very different thing. It means preserving without watching is worse than preserving with watching, which nobody can doubt; at least, so far as the labouring classes are concerned. But the best of all would be, that there should be no game.

Mr. Berkeley was once rung into the town or township of Harrold, in Bedfordshire, where he was going to rent a house, preserve game on other people's farms, and keep some hounds. That appeared to him to be conclusive evidence of a strong popular sentiment in favour of game preserving. It possibly escaped Mr. Berkeley's recollection that the ringers afterwards came for their "tip" of a guinea or two; and, of course, he could not imagine that any such sordid anticipation had set the bells a-ringing. But the honourable member has been so intently

engaged in the study of zoology, and gamekeeper and poacher human nature, that he has had no leisure to discover the guile of bellringer human nature.

Then as to the administration of the game laws, that is admirable, with the slight exception, "that the magistrates are rather inclined to adopt a lenient mode of administration instead of a severe one;" that in 27 cases out of 30 the game laws are leniently administered; the "magistrates frequently make a great mistake in not sufficiently severely administering the law in the first instance." True, the Under-Secretary of State says the contrary, but Mr. Berkeley had followed to the different petty sessions some of the instances mentioned, and had procured some returns and figures, which he believed displaced Mr. Phillipps' statements. I venture to think they prove nothing, and, having intimated the fact of their existence in the report (in case any curious inquirer should desire to inspect them), to pass them over. Mr. Berkeley, during six years' residence in Hampshire, had only personally caused the conviction of 14 poachers, and had only procured fullpenalties to be awarded against three of them, and only once did he press for a cumulation penalty. Is not this falling into the error of the magistrates in general, *that of being too lenient?*

Passing from his own practice Mr. Berkeley again proceeds with his disquisition, shows that much game is consumed in Manchester;—how dare cotton manufacturers touch the sacred thing of the aristocracy?—that the framers of the game laws intended "to frame anything but a severe code of laws." On the contrary the law is shockingly lax; the police don't protect game, and hawkers sell it about London, in season and out. And even lax as the law is, the magistrates don't properly execute it; they sometimes give time for payment of the penalty awarded for poaching; whereas the cry should be, "Away with him, away with him" to gaol,—he can't raise the money honestly. Mr. Berkeley had actually reformed one poacher by sending him to prison, and had since kept him in his own service,—as a curiosity, I presume. He then suggests some provisions for a new game law in accordance with his theories, which perhaps had best be given in his own language;

15521. Lord *George Bentinck.*] Have you any additional observations to make in respect to your notions of any improvements that might be made in the law as regards the sale of game? I have some suggestions to make of some alterations as regards the game laws, and having reference to particular Acts, which I think might be made to bear on what is commonly called the New Game Act. I think that the game laws might be amended from the existing Act of Parliament, without entering into any decidedly new legislation. I would suggest, in regard to any alteration in the game laws, that a judicious change be made where there by chance exists any needless and unserviceable severity, of which I am not aware, or, on the other hand, any inefficient and mischievous lenity, of which I am fully aware. It must be the desire of all parties to decrease the crime of poaching; and those who have endeavoured personally and practically to preserve the peculiar property in game, and have succeeded in it, must of necessity be the best judges of the working of the general system*. The resident country gentleman, farmer, landlord, and sportsman, must or ought to have the happiness of the tenant and labourer on his estate at heart, not only because humanity demands it at his hands, but because his prosperity and the value of landed possessions is intimately connected with their interests; and even supposing a landlord to be deficient in the feelings of a liberal and a kind man, for his personal profit he would see that the tenantry and the poor were not neglected. I would recommend, then, that the price of the game certificate should be *increased* to £5; that the possessor of the certificate to kill game should not authorise the person possessing it to sell game; that a certificate to kill game should not protect the possessor of it from any illegal act, which it does at present; but if killing game out of season, or trespassing on land without leave, the offender should be deemed as having no right to kill game, and be proceeded against accordingly. It is an odd thing, that as the law stands at present there is here a very unequal bearing of the law against the man who has a certain amount of property, as you would suppose a certificated man to be, and a poor man who has no certificate at all. For instance, a man without a certificate can be proceeded against under the revenue laws; the richer man, who has a certificate, kills the same birds or the same head of game, and you only fine him a pound. Now, if the Committee look at the difference of the penalty in those two cases, they will admit that there is a hardship, and an improper one, because there is a protection for an illegal act. I hold this error to be a mischievous lenity to the richer man.† My view of the subject is this: that the fact of having a game certificate should not permit the man with a game certificate to kill game out of season at less risk than the man who has no certificate at all. Then I would recommend that the law regulating the sale of game *should*

* Mr. Berkeley's own evidence, for instance.

† Is it not rather a monstrous severity on the poorer one. Mr. Berkeley never seems to see more than one side of the shield.

be rendered much more stringent; the police should be given the same power over offenders against the game laws, as over the offenders against the laws for the protection of all other private property. The police should be given power and instructions to proceed summarily against hawkers of game in the streets. The law in regard to this blazoned infraction of its provisions *is seldom if ever put in force, and therefore the fact is calculated to bring its authority into contempt**, and to induce and foster the very erroneous idea as to there being a difference in the right of property in game when compared with the right of property in other things. The law in regard to the taking of live or dead game, out of season, to its sale also, and in regard to the eggs of game, should be revised and rendered much more severe; the half of all penalties should be given to the informer. The police should be given a right of search in beer-shops and public-houses licensed to sell off as well as on the premises, and a severe penalty should attach to the beer-shop-keeper or public-house-keeper, who either connived at the assembling of poachers for illegal purposes at their house, or who rendered their house a receptacle for stolen game. A great amount of these amendments might be effected by grafting the provisions of other Acts of Parliament now in force upon the New Game Act, without adopting any fresh legislation.

What a capacity for day-dreaming these suggestions exhibit! Why, Mr. Berkeley might as well propose to engraft the forest laws of William Rufus on their "bastard slip," the game law, as the alterations he mentioned.

The Berkeley family send out their gamekeepers with cutlasses, instead of guns, only to be used "in extreme cases," and they have, besides, short sticks, like policemen's truncheons, and are told to seize the poachers, not to strike them. Mr. Berkeley produced a bundle of sticks which had been taken from poachers.

Here is an account of some of Mr. Berkeley's personal part in game conflicts. Remember, he is a pattern preserver.

15523. *Chairman.*] Do you tell them (the gamekeepers) to strike in any particular place? I always tell them, if they cannot take the poacher, if the poacher is defending himself, and trying to strike them, *I always tell them to strike at the poacher's head:* for this reason, that if the man strikes at any other part of the poacher, he exposes his own head to the poacher's blow before he strikes the poacher.

15524. Lord *G. Bentinck.*] Can you state to the Committee any cases of engagements which you have personally had with poachers? I have been 27 times personally engaged with poachers, and in no

* The game laws into contempt! The disgust and indignation the monstrous code excites will prevent that.

one single instance in those 27 engagements did I ever get a single blow, or did I see the least difficulty in capturing the offender; although, both by night and by day, it has happened, occasionally, very much against my will, to be engaged with the odds of three or four to one, single handed.

15525. Mr. *Bright.*] Do you mean that in those cases you have captured the whole of those three or four? No; but I got possession of more than one for a time, to ascertain what they had on them.

15526. Lord *G. Bentinck.*] How many poachers have you captured in the course of your life? I could scarcely tell that without making a long calculation. In those 27 times I never knew anything that I should call, in any one way, a conflict endangering life or limb.

15527. Have you taken one prisoner or more in every one of those 27 engagements? In those 27 engagements I have always been completely successful, either in capturing and taking from people whose persons I knew the game they had no right to possess upon my land, or in taking possession of one at least of their persons, or in capturing a gun. And, perhaps, I should say that the instance of one of the guns was rather peculiar, inasmuch as it involved a question at law. It was in the instance of a tenant who claimed the right to kill rabbits; and being a man of some muscular power, he expressed a determination not to try the question at law, but to go and shoot rabbits whether I liked it or not; and I told the keepers to be very careful what they did, and if they found him shooting rabbits to request he would desist, and if he would not desist, to take possession of him, and bring him before a neighbouring magistrate. There was a doubt whether, single-handed, they would be able to do so or not. I found the man shooting rabbits. I heard the gun, and I proposed a question to my gamekeeper as to where the sound came from: the gamekeeper stated that it came from one way, and I thought that it came from the other. I then left the gamekeeper to the benefit of his own opinion, and I followed my own opinion. We separated; and it so happened that I found this man shooting rabbits alone. There was no assistance to be got from anybody. Finding him so engaged, I went up to him; I had a gun in my hand, but before I went up to him I took the precaution of taking off the caps of my own gun, in case of any scuffle; I went up to him, and asked him what he was doing; he said he was shooting rabbits.* I told him that he must desist, for the rabbits were mine; and that there was no reason for coming to any personal conflict, for I should have him up before a magistrate. He said he would not desist; and that he would shoot the rabbits in spite of me. I then said if that was the case I should take his gun. The man was bigger than I was, or heavier; and it was seven miles off from the nearest magistrate. On his refusing to desist, I said I should have his gun, and closed upon him: but

* On his own farm.

I had my own gun, which was heavier than his, and I did not like to put it down. I got hold of his gun, and placed the two guns as much as possible between us. I wrenched the gun out of his hand, and got possession of both guns, and, had I chosen it, of his body; but as it was seven miles from the nearest magistrate, it was impossible for me to bring him before a magistrate if he did not like to walk. The magistrates deemed, that though I should have been justified in producing the man's body before them, as he would not desist from shooting, I was not justified in taking the gun. I have since taken an opinion. I believe, Mr. Chitty's opinion, as to whether I was justified or not: and in the present state of the law, he admitted that there was a doubt whether I had a right to take the gun, though I had every possible right to take the man's body.*

Had Mr. Bright put Mr. Berkeley in the witness box against the game laws his evidence would have been intelligible. Such was Mr. Berkeley's evidence in chief; on a subsequent day he was cross-examined by Mr. Bright, with some rather curious results.

16892. Mr. *Bright.* In answer to the second question that was put to you, you stated that you had a little knowledge of farming, and during your examination you have spoken with great confidence on many matters relating to game as connected with agricultural pursuits; can you tell the Committee in what manner you profess to have much knowledge of agriculture? Simply from observation, and from farming myself a little.

16893. Do you own much land in this country? No, not in this country.

16894. Do you own any land in this country? I receive a yearly income from land.

16895. But is it land over which you have the exclusive control as owner? No.

16896. Have you ever been a tenant farmer, or a farmer at all? Yes, I am now.

16897. To what extent? *Very small: I should say to the extent, as far as I can judge, of about* 14 *acres.*

16898. Do you grow grain upon your land, or is it a grass or hay farm? Upon the little land I have I grow grass and corn.

16899. Is it just occupation land, growing something for the keep of your horses or for amusement; or is it kept because you are a farmer by pursuit? It is kept for two reasons; one, because I wish to have grass for my horses to run in, and the other because of the exorbitant damage endeavoured to be forced upon me, on account of the game, by the former tenant.

16900. Then your knowledge of agricultural pursuits, the Com-

* What a picture of the amusements of a gentleman in a civilised community!

mittee are to understand, is derived from observation chiefly, and not from following agriculture as a pursuit? It is from both; it is from observation and from following agriculture as a pursuit.

16901. Do you consider yourself on a par, as a farmer, with some of the most intelligent and best farmers, from various counties, who have appeared before this Committee? I conceive myself on a par, as far as regards intelligence, with any person I have seen yet upon this Committee.

16902. Mr. *Cripps.*] As a witness? As a witness.

16903. Mr. *Bright.*] The question referred to a thorough knowledge and intimacy with the business of farming? I think I have as good a knowledge of the progress of vegetation and crops upon a farm as any gentleman can have who has not farmed to any extent himself.

16904. In the fourth answer which you gave you stated that you had found some difficulty in having game preserved in those cases where you were the renter of the game, and not the owner of the land, and that the tenant is frequently dissatisfied in such cases? I have observed that the tenant would at all times infinitely prefer that the game remained in the hands of his landlord than that it should be let to a third person.

16905. Having no land of your own, it would appear that your sporting, so far as you have any actual right of sporting, has been always under such circumstances as were liable to create dissatisfaction to the tenant? No; on the contrary I have found that I have preserved game, where no dissatisfaction at all existed between me and the tenant; and besides that, I have had the exclusive right of preservation over considerable estates belonging to my family.

16906. You stated that where the landlord preserves the game, he finds it more easy to accomplish his object; does not it appear to you that, there being more difficulty in the one case than in the other, it is to be attributed to this: that in the case of a landowner preserving game on his own land, he is able, in some degree, to compel the co-operation of his tenantry in a manner in which he is not able to do in cases where the tenant did not pay rent to him? No, I do not see it in that light; the facts are equally compulsory when he is the renter of the game, as if the landlord preserves himself, *but I do not think that the compliance of the tenant is so ready.*

16907. In what way do you explain it, that the circumstances are equally compulsory upon the tenant? In this way: the landlord when he lets the game to another person, puts him, as regards the game, in his own position, and therefore the rights which the tenant of the game exercises are in fact the rights of the landed proprietor.

16908. But if the landed proprietor had let the game over a certain estate, say for £100 a year, would he not prefer that, while he received that £100 a year, there shall be small damage from the game to his tenants' crops, rather than large damage? and would he

not therefore rather wink at the non-compliance of the tenants with the preserving requisition of the game-renter than otherwise?' I cannot imagine that a landed proprietor would do anything so ungentlemanlike.

16909. In answer to question 15438, you stated that you have invariably seen that where a crop fails from any natural circumstance whatever, the tenant has always laid the destruction of the crop upon the game, provided there were any game to give any colour to such complaint; and further on you stated that you had known a great number of such instances. In another place you state that you have known hundreds of instances of it. Now do you intend to tell the Committee, respecting the whole body of farmers in this country, that such is their conduct with respect to damage that may arise to their crops, and such their dishonesty? I mean to tell the Committee exactly what I stated before, that I have observed in a multitude of cases, that where any damage has existed upon a farm, if there has been sufficient game to give a colour to the assertion, the farmer has always laid the damage to the game.*

16910. If you have known a multitude of cases, perhaps you would have no objection to state some dozen or twenty of them to the Committee? I have known a great number of cases, but it is a difficult thing, in so long a time, to recollect and refer to a great number, and I have no wish to rip up old grievances; but nevertheless I shall be very happy to state some more recent facts that have come under my observation, as far as I can recollect them. I will commence with Bedfordshire. There was a valuation made of alleged damage to crops within the manor of Odell. As far as I recollect the circumstances, there were two valuers called in. I was the owner of the game, and the tenant on the estate was one of those who had what was called the preservation of the game and fishing, which in fact meant a considerable use of it on his part. He was one of those that I found on the estate when I came in as tenant, and was one of those to whom I alluded as being excessively dissatisfied because a gentleman had come in between him and his landlord. That tenant charged a vast deal of damage upon the game. Now before I took that game, before there was any game there, I went over the farm and I looked at the growing crops, and observed what damage from other causes than game existed; and when this man complained of the damage that was done by my game, there was no more deficiency of crop at that time than there was when I first came upon the estate, and took the preservation of the game into my hands. Two valuers were called in; I went over the crops with them, and as far as I remember the circumstances, I had no damage whatever to pay after the valuation.

* It is only just to Mr. Berkeley to remark, that though he alone frankly and broadly stated this disparaging opinion of English farmers, yet there was scarcely a game preserver who did not plainly intimate similar opinions of tenant farmers' honesty. Yet these gentlemen belong to the section of landowners who assume to be especially "farmers' friends!!"

16911. Had the tenant any clause in his lease empowering him to call for compensation? I know nothing of his lease.

16912. Had you any written award from the valuers? To the best of my recollection I think not. I think they stated to me that there was no damage for them to value on.

16913. Were they your valuers or the farmer's valuers? I had nothing whatever to do with them; they were called in by the farmer, I believe, or by the estate agent.

16914. How long was that ago? I should think it must be 9, or 10, or 11 years ago.

16915. Then it appears that you have no very accurate recollection of the circumstances? Yes, I have. The Committee will find what I have stated is very much about the exact state of the circumstances.

16916. Will you give the names of the farmer and of the valuers? The valuers' names I do not remember, but the farmer's name is Kendall; and the Committee will gain all information upon the subject, at least if he chooses to speak the truth,* from a lawyer named Baker, somewhere in London. I can give, if the Committee wish it, another instance at a more recent date.

16917. How many instances do you think you have known in the whole course of your experience? I have known instances occur of false valuation of damage on the part of tenants here and there all my life.

16918. Can you bring before the Committee a dozen instances to which you can speak positively? I have no doubt I could if I were to think them over and recollect. I can state another or two that I am positive of at this moment. There was a valuation made—and this is a rather curious one, because the circumstances set the matter entirely at rest. There was a farmer resident upon a farm in Hampshire, adjoining my house. The farmer's name was Aldridge, of Chuton Farm, the property of Sir George Rose. You have had a letter from the present tenant, who succeeded this Mr. Aldridge on the farm, and you showed it me; the tenant Aldridge, when I came to the occupation of Beacon, did as he pleased with the game and rabbits upon the farm. The farm was greatly infested with all the bad characters of the neighbourhood; the wood upon it had been for a long time known as the resort of smugglers, and it was in that wood where the poachers threatened to brain the son of Sir George Rose for interfering with them when stealing the rabbits. Sir George Rose gave me the shooting of that farm, and the first poacher that I caught upon it was his own tenant Aldrige, who was shooting a partridge; but I forgave him because Sir George Rose did not like me to proceed against him. That man, when he found that I destroyed the rabbits in every possible way, he having himself liberty also to kill them, complained that he was overrun with rabbits, and he alleged that his crops of

* Which, of course, according to the honourable member's notions of the farmers and their advisers, is very problematical.

Swede turnips were eaten up. A valuer was sent down from London by Sir George Rose to value the damage to this crop of Swede turnips. I was perfectly aware that there was no foundation whatever for the complaint that he made; and the day before the valuer was to go over the farm there was a fall of snow, the snow lying during the night upon the ground. I saw the valuer previously to his going over the farm, and he said to me, "It is always an uncomfortable office to value between a gentleman and a farmer, or between any two persons; *the one says damage has been done, and the other not*"; but," he said, "I feel in this instance perfectly relieved from any embarrassment, because now there cannot be a mistake as to what has frequented the turnips; the snow has lain so long on the ground that I shall be able to detect by the tracks whatever it is that has frequented the field and done the damage." We went to the field, and he then saw all round the turnips the tracks of rooks and fieldfares, which lay upon them very heavily that year, and of larks and other small birds. And if I remember correctly there were only two traces of rabbits frequenting the turnip field. After going round the farm, he turned to me and the tenant, and stated that he could see no reason why damage should be attributed to the rabbits or game whatever, and I had no damage to pay. The name of the valuer was Mr. Lambkin Hodgkin, of the Mall, Kensington. I will mention a third instance, which regards the fact of myself being a farmer, and the exorbitant damage claimed by a tenant under game. There is a field close to my house at Beacon Lodge, surrounded on four sides by plantation; it is a ploughed field; it measures about three acres and a half; the rent of it is £5 a year. A man named Vickers rented that field; and in the year, I think, 1842, he had his damage valued upon that four acres of land. It was then in wheat, and he claimed of me £10. I refused to pay it him, and said that it was a ridiculous charge, and that the game and rabbits had done little or no damage. The man was dissatisfied, and said he would throw the field up. I said, "Throw it up, and I will take it, for that is an amount of damage so exorbitant that I never will listen to it." The man threw up his field, and I immediately took it at the same rent. While he had it I did my best, by ferreting, netting, and shooting, to keep the rabbits down, and to a certain extent by stopping them from coming upon the land. When I took it into my own hands I kept the game and rabbits upon it to the utmost extent that I possibly could; I took no means of protecting it from their aggressions, but I determined that that should be a spot for preservation alone. I did not dig or cut the crops so soon as any of the surrounding farmers, in order to entice game home upon my land, and to keep it at home; and I did not take the same advantage as a farmer would. I have had it in my hands about two years; I have it in my hands now; and in those two years instead of having to pay the £10 damage that was applied for by the tenant, though I left the crops out a longer time than I had any need to have done in the first year, in 1843, I paid all the expenses of the field and put

£6 2s. 6d. into my pocket. In the second year, in 1844, I paid the whole expenses of the field, and put £2 18s. 3d. into my pocket, instead of having any damage to pay.*

Mr. Bright then asked Mr. Berkeley whether he had ever seen any damage by game.

16920. Mr. *Bright.*] You have stated that the damage arising from the wire-worm is generally ascribed to game; does your knowledge of the natural history of insects lead you to form the opinion that wire-worms frequent any particular portion of a field in preference to any other portion? I could not pick out a portion of any field which wire-worms would refuse to inhabit; but I do know that sometimes their ravages exist in one portion of a field and not in another.

16921. Have you noticed invariably that the destruction of the wire-worm is found in a line *pretty nearly alike with the line of the covers which may be near the field?* No.

16922. Do you know a farm at Cranford belonging to Lord Fitzhardinge? I know all the land there.

16923. Have you ever walked over that farm? Thousands of times; I know every tree and bush upon it, and every acre of land.

16924. Have you observed any difference in the crops as you approach the covers? Often.

16925. Do not you know that in all cases the valuation for game damage, and loss of crops, is pronounced to be greatest in the neighbourhood of the covers? No.

16926. Have you never noticed that as you advance from the covers into the field, and into those fields which are farthest from the covers, whatever the damage be it diminishes as you leave the covers? No.

16927. Have you no reason to suspect that there is more damage in the immediate vicinity of a cover than at a considerable distance from it? *The damage that I have heard laid to game* has very frequently and very often been more apparent at long distances from the cover than it has been close in the cover's vicinity.

16928. Is that the case with respect to the damage from rabbits? I have seen apparent damage to crops laid to rabbits, at a distance from the covers, when the crop has been strong underneath the covers; but if you ask me my opinion as to where the damage from rabbits would exist, if there was damage done, I should then say that the rabbits would do it close to the covers.

16929. *Have you ever seen any instance in which you have been ready to admit that game has committed damage upon the crops of the farmer?* I have seen instances where damage has been done by

* Here we have the authority of Mr. Berkeley, and his experience on fourteen acres of land against the yeomanry of England, and the most intelligent of the landed proprietors. But Mr. Berkeley is not the man to be alarmed at long odds.

rabbits, but I never saw an instance where damage was done to any great extent at Cranford; on the contrary, and I believe this fact will bear that opinion out when I state to the Committee that when a former tenant came upon that property in my father's time, when the game was preserved as highly as it could possibly be, I have heard that that tenant borrowed the first £100, which I believe he had from my father, to set him up, but he lived on the same farm the whole course of his life, and he amassed what may be called, for a man in his situation, an enormous fortune.

16930. What was the name of that tenant? Newman; he is father-in-law of the present tenant, who is about to quit the farm.

16931. Will you have the goodness to state whether you have ever seen any instance in which you have been ready to admit that game has committed damage upon the crops of the farmer? I have.

16932. Will you state what cases you have seen of damage from game? *I have never seen damage to any amount from game.*

16933. Is it your opinion that the complaints which are made by farmers in many parts of the country are altogether groundless and unreasonable with respect to game damage? *I believe many of them are groundless*; I cannot speak of all.

16934. If you have had experience for nearly 30 years as a game preserver and destroyer of game, and if you have read what has appeared in the newspapers upon the subject, and you feel yourself competent to write pamphlets upon game, cannot you give the Committee any opinion as to whether the complaints made by farmers are groundless or not? I never form an opinion by what I see in the newspapers, otherwise I should be led into extensive errors, particularly if I read some of those journals and papers which descant upon the damage done by game, and the position of landlords and tenants; there are such falsehoods published by those public prints which, if believed, might induce very great ill-feeling between the unthinking and lower class of labourers and the landlords.

16935. I ask you whether you believe the complaints which you have heard stated throughout the country to be altogether groundless and unreasonable? *I think there is an enormous number of cases stated which are groundless and unreasonable.*

16936. Do you think that in a considerable number of cases there are grounds for those complaints? I cannot give an answer to that question; *I never saw any great grounds for complaint.*

16937. You stated, in answer to question 15449, that valuers always charge damage upon the game, although it may have arisen from insect or atmospheric causes; do you mean to charge the valuers throughout most of the counties of England with a total disregard of honesty in their valuations, and a bias against the landowners in favour of the tenants? I MEAN TO STATE EXACTLY WHAT I STATED BEFORE, *that I never knew a valuer take from the amount of damage he awarded, the damage which might have arisen from other causes than game.*

16938. Do you consider that the persons employed as valuers are, for the most part, more intimately acquainted with agricultural pursuits, and as competent to value, as any men that can be found? I can only judge of the instances I have seen; in those instances I had no reason at any time to find fault with the capability of the valuer; *but I have often had reason to find fault with the superficial inspection which he made of the farm.**

He then adverted to the game-compensating theory broached by Mr. Berkeley.

16939. In answer to question 15451, you stated that whatever damage a farmer suffers from hares and rabbits, you consider it is amply compensated by the good which he derives from the birds, pheasants, and partridges which he keeps; now, did you ever know a tenant farmer who preserved very largely pheasants and partridges for the purpose of compensating him for the damage done by hares or rabbits, or for the purpose of improving his chances of success in his farm? *I never knew a tenant farmer preserve to any extent.*†

16940. Have you ever known tenant farmers keep boys to kill wire-worms, or to kill insects, or to drive birds away, or to prevent the destruction of his crops in any way? I have known tenant farmers keep what are called crow-keeping boys.

16941. Is it your opinion that the farmers have not had recourse to the remedy you have suggested, because they have not discovered that it was advantageous to them, namely, the remedy of preserving large quantities of pheasants and partridges to destroy the insect? I never suggested that as a remedy to a farmer.

16942. Have you not stated to the Committee over and over again, that birds do far more good than harm, and that the damage which a farmer receives from hares and rabbits he would be compensated for by the good he would derive from pheasants and partridges? To a great extent, undoubtedly.

16943. Have you ever known a farmer who has had recourse to a large preservation of partridges and pheasants, to enable him to cultivate his farm better, or to compensate him for the damage that he received from hares and rabbits? I cannot tell whether he has had recourse to it or not. I know that immense numbers of pheasants and partridges have been preserved upon the land.

16944. Did you ever know an instance where a tenant farmer preserved them with any such intention as that? I cannot tell what his intention was. I have never known any tenant farmer rear any pheasants and partridges with that view. *I have known them rear a few.*‡

16945. You have stated that those birds eat grain about two

* Now the detailed valuations laid before the Committee had all been made after frequent inspection of the crops at different seasons.

† He might safely say that.

‡ Very few I presume.

months in the year, namely, seed-time and harvest; do you consider seed-time and harvest the least important periods of the year to a farmer, or the most important? I should say they are two of the most important periods.

16946. Would you not consider that a single grain of wheat eaten at seed-time was more injurious to the farmer than a single grain eaten at harvest-time? Yes, if that seed had been sure to have come up.

Mr. Bright then drew Mr. Berkeley's attention to his wire-worm argument.

16947. In the course of a very long statement which you made in answer to a question, 15452, you gave a calculation about birds *versus* boys. Did you mean to state to the Committee that a boy would pick up 600 of those wire-worms in a day? I do not know any statement of mine that comes under that head, "Birds *versus* Boys."

16948. Did you intend to inform the Committee that one of those boys gathered 600 wire-worms in a day? If my calculation is correct, and if I have quoted the *Royal Agricultural Journal* correctly, it would appear to me that the boys collected 600 per day; 30 days' employment was given them, at 9d. per day.

16949. According to your statement, it appears that each boy collected 600 wire-worms per day, and that his remuneration for that was 9d., that is, 1½d per hundred? If the calculation is correct, and I am correct in my quotation.

16950. You stated that one rook in a twelvemonth does as much good to the farmer in picking up these noxious creatures as 50 boys? *I did.*

16951. You stated that one boy will pick up 600 worms in a day; 50 boys therefore in a day would pick up 30,000 worms, therefore if your calculation be correct, one rook will pick up and eat 30,000 wire-worms in a day, that is taking one rook to be as good to a farmer as 50 boys. Do you think that calculation is correct? I did not make the calculation entirely, it is partly quoted. I believe I have never stated that 50 boys would pick up 30,000 worms in a day.

16952. You have stated that one boy will pick up 600 wire-worms in a day? No, I have not stated that: what I stated is this, that "The boys collected 600 per day, and 30 days' employment was given them at 9d. per day." That is a correct quotation. Then I have also quoted, "To have earned that sum in 30 days, if I am right in my calculation, there must have been 30 boys; 30 boys, at 9d. a day, in 12 months, excluding Sundays, would earn £352 2s. 6d."

16953. Do you mean to tell the Committee that one boy can only pick up 20 worms in a day; because if 30 boys gathered 600 worms, it is clear that upon that supposition it would only be 20

worms for each boy? I made those quotations from the *Royal Agricultural Journal*. If they are in error it is not my fault.

16954. The quotation appears to be perfectly correct, and the meaning appears to be what you stated, namely, that one boy can collect 600 worms a day, which is a very reasonable quantity: and being paid 1½d. a hundred, he earns 9d.? That is not what I quoted. I said that the boys collected 600 a day, and 30 days' employment was given them, at 9d. a day.

16955. Then do you mean to say that the 30 boys were paid only 9d.? *I mean to say nothing.* I mean to give you the quotation of the *Royal Agricultural Journal*.

16956. Then you have given the Committee a quotation that you do not understand? No, I have not.

16957. Then will you explain how the Committee are to understand it? I understand the boys to have earned, according to the statement of the *Royal Agricultural Journal*, that sum in 30 days. If I am right in my calculation, there must have been 30 boys; 30 boys, at 9d. a day, in 12 months, would earn £352 2s. 6d.

16958. Is that 9d. a day for each boy? I should say for each boy.

16959. Then if it be 9d. a day for each boy, it must clearly be 600 worms a day for each boy, because they were paid 1½d. a hundred, which comes exactly to 9d. a day? If I understand the quotation from the *Royal Agricultural Journal* correctly, that the boys collected 600 a day, and 30 days' employment were given them at 9d. a day, my calculation is right.

16960. Do you understand that each boy earned 9d. a day? That is my view of the subject.

16961. Do you also understand that each of the boys had 1½d. per hundred worms for collecting them? I understand that the boys collected 600 in a day, and that each boy received 9d. a day.

16962. If each boy received 9d. a day, at 1½d. a hundred, each boy must have collected 600 worms per day; is not that quit clear? I never made the calculation myself.*

16963. If 1½d. a hundred were paid, how much will 600 come to? I will go over the calculation again, but I will not attempt to say at this moment.

16964. The question is a simple one: how many 1½d. are in 9d.? I will not make any fresh calculations. I cannot go into any fresh calculations at this minute.

16965. You have stated, partly quotation, partly original, that each boy earned 9d. a day in collecting wire-worms, and that he received 1½d. per hundred wire-worms? I stated this: "That Mr. Pearce, of Pennare Govan, had saved an acre and a half of turnips, sown to replace wheat destroyed by the wire worm, and attacked by hosts of larvæ, by setting boys to collect them, who, at the rate of 1½d. per hundred, gathered 18,000 wire worms."

* Here Mr. Berkeley faltered, he must have begun to suspect that figures might prove edged tools.

16966. If each boy earned 9d. in the day by collecting wire-worms, and he received 1½d. per hundred wire-worms, does it not follow that he collected 600 wire-worms in a day? You may have made that calculation; I have not.

16967. Do you believe that that calculation is correct? I have not time to look at it.

16968. Will you state to the Committee that you do not believe that six times 1½ will come to 9d.? *It does.*

16969. Did you ever study arithmetic at a school? Yes.

16970. Then if one boy will collect 600 worms in a day, and you state that one rook is worth 50 boys, how many worms do you calculate that one rook will pick up in one day? I never calculated the number; I never stated that one boy would collect 600 worms in a day.

16971. Do you mean to deny that, according to your calculation, one boy will collect 600 wire-worms in a day? I have never stated that he would do so; I quoted from the Journal.

16972. You have stated that each boy earned 9d. a day, and that he was paid 1½d. per 100 wire-worms, and six times 1½d. will be 9d., and therefore he was paid at the rate of having collected 600 wire-worms in a day; have you not stated that? No; I stated that the *Royal Agricultural Journal* stated so.

16973. Do you believe the authority from which you have quoted? *Yes.*

16974. Then do you believe that which has been just stated? I believe a good deal of it, and some of it I do not believe.

16975. What part of it do not you believe of your own authority? I have not time to run it up in my head to know whether the boys collected 600 a day or not. I only state what the *Royal Agricultural Journal* states, that the boys collected together 600 a day.

16976. You have stated that each boy earned 9d. a day; you have quoted from the *Royal Agricultural Journal*, that the boys were paid at the rate of 1½d. per 100 for collecting wire worms, and you have stated to the Committee that six times 1½d. will make 9d.; are you prepared to deny, after having stated that, that each boy, according to that computation, collected 600 wire-worms in a day? *I am not prepared to deny it or to affirm it*, until I have looked at the quotation, and been through the calculation again.

16977. Do you know anything at all about it? A good deal.

16978. Will you explain what you know about it, saying that you neither affirm it nor deny it? I know that the *Agricultural Journal* states that "the boys collected 600 per day, and 30 day's employment was given them at 9d. per day."

16979. What do you understand by that? That they collected 600 wire-worms a day, and that 30 days's employment was given them at 9d. a day.

16980. Will you state explicitly what you understand by that; do you understand that each boy collected 600 wire-worms a day, or a smaller or a large number? I believe that the boys collected exactly what the *Royal Agricultural Journal* says that they did.

16981. Do you believe that it took 30 boys to collect 600 worms in a day, or that one boy collected 600 worms in a day? I believe that the *Royal Agricultural Journal* says that the boys collected 600 a day.

16982. That it took 30 boys to collect 600 worms in a day; is that what you understand? The words are dubiously stated, but I should think that the boys collected 600 a day, and that one boy did not collect 600 wire-worms. But it is dubiously stated, and may be the contrary.

16983. Then if one boy did not collect 600 wire-worms a day, being paid 1½d. a hundred, how could he earn 9d. a day? There is the calculation I have made, and I have said repeatedly that I believe in the truth of that calculation.

16984. How do you reconcile that calculation? you say that each boy was paid 1½d. a hundred, and that he earned 9d. a day, *and you say that six penny halfpennies make 9d.*, and yet you say that he did not collect 600 a day: how do you explain that? I will explain it so far, that I have made a quotation, and if that quotation is wrong, I may be in error, but the error does not exist in the first instance with me, but with the *Royal Agricultural Journal*.

16985. Do you admit that the *Royal Agricultural Journal* is in error? *Na.*

16986. Do you admit that you are in error? *No.*

16987. Do you admit that your statements are irreconcileable? *No.**

16988. Do you believe that one boy only collected 20 wire-worms in a day, and that he got 9d. for doing so? I should think that a boy would collect more. But I again state that my calculation was made upon the words of the *Royal Agricultural Journal, and that position, for the present, I intend to abide by.*

16989. How many wire-worms do you think a boy would collect in a day? *It would depend upon how many there were.*

16990 What is your opinion with respect to the quantity he could collect? It is impossible to say; it depends upon how many there were upon the land he was picking.

16991. Do you believe that these figures, 600 a day, are correct, either as meaning that one boy collected 600, or that 30 boys collected 600? I cannot tell. I give it exactly as the *Royal Agricultural Journal* states it.

16992. Do you believe that each boy earned 9d. a day? I think, according to the calculation set down in the *Royal Agricultural Journal*, each boy earned 9d. a day.

16993. And you believe that the boys got 1½d. per hundred for as many as they should collect? According to that statement in the *Royal Agricultural Journal* all the boys were supposed to get 1½d. per hundred for all they could collect.

* This is really very like Mr. Berkeley's general defence of the game laws, a general denial of all that can be said against them. He admits the facts and demurs to the conclusions; but the public will be apt to accept his admissions and overrule his demurrer.

16994. Then if a boy received 1½d. a hundred for what he could collect, and he earned 9d. a day, how many wireworms would that prove that he had collected in a day? *I cannot tell.*

16995. Will you take a pen and paper and try to work that sum? No.

16996. Do you mean to tell the Committee that you cannot work that sum? No.

16997. Do you mean to tell the Committee that you will not do it? Yes.

16998. Will you state on what grounds you will not do it? Because I do not choose to do it.

16999. Do you conceive, after all the observations you have made to preceding witnesses, that, placed voluntarily in the position of a witness yourself, you are treating the Committee with respect in so doing? I treat the Committee with the greatest respect; but there is a particular sort of question which I do not choose to treat with any respect whatever.

17000. Does that apply to arithmetical questions? No, it applies to the present method of examination.

It was plain Mr. Berkeley had a kind of perception of the dilemma into which his wire-worm argument had drawn him, upon one horn of which, notwithstanding his resistance, he was thus impaled by Mr. Bright.

17001. Do you feel yourself more at home in ornithology than in arithmetic? I feel myself perfectly at home in each of those. I will tell the Committee what I will do if they require it; I will go through the calculations made in the *Royal Agricultural Journal*; I will see if they be correct; and if any error hinges upon the statements that I have deduced from them, I will rectify it; but as you put your questions in the method of cross-examination, I will not reply hurriedly to accounts and figures.

17002. There appears no reason to suppose that the calculation of the *Royal Agricultural Journal* is not correct; but you go on to state that one rook in 12 months, according to this calculation, is equal to 50 boys in the same time? *I am at present inclined to think so.*

17003. You bring forward a calculation, proving that each boy collected 600 wire-worms in a day, and you state that one rook is equal to 50 boys. We therefore come inevitably to this conclusion: that one rook will pick up 30,000 wire-worms in a day; now do you believe that that is possible? Perhaps you may not be aware of the fact, that a rook, at a single moment, might destroy many wire-worms.

17004. Do you believe, and are you prepared to state as your decided opinion to this Committee, that one rook will destroy 30,000 wire-worms in a day? *I cannot form any exact opinion upon that.*

17005. Is it your opinion that his consumption approaches to

30,000 a day? I cannot give an explicit reply, because I cannot exactly bring circumstances to bear upon each other sufficiently to enable me to speak to the fact.

17006. Then it would appear that you have given the whole of that calculation without having attended minutely to it, or that you have made some great error in it? I have attended minutely to it, but you are putting questions to me that it is impossible for me to answer without a little consideration.

17007. It is impossible for you to tell whether wire-worms being paid for at the rate of 1½d. per hundred, 9d. will purchase 600; is that a question that it is impossible for you to answer? I do not choose to answer it at this time. If the Committee wish it, as I said before, I will go through the calculations made in the *Royal Agricultural Journal, and those I have deduced from them*, and I will lay before this Committee on another day exactly my opinion of the calculations; and if there are errors I will admit them; but I cannot take upon myself to explain these calculations, hinged upon each other as they are at the present moment.

17008. You stated that the collecting of 18,000 wire-worms cost the farmer £1 2s. 6d.; if the collecting of 18,000 wire worms cost 22s. 6d., 30,000 wire-worms would cost him 37s. 6d., to be picked up by boys, and, therefore, according to that calculation, it appears clear that every individual rook feeding upon the farmer's land would be a saving to him of 37s. 6d. every day, as compared with the wages of boys, to pick up those noxious creatures; is that your opinion? I speak not entirely from my calculation; I give a calculation from the *Royal Agricultural Journal*.

17009. Do you mean to say that the *Royal Agricultural Journal* states that? I mean to say that the *Agricultural Journal* states as follows:—"That Mr. G. Pearce, of Pennare Govan, had saved an acre and a half of turnips, sown to replace wheat destroyed by the wire-worm, and attacked by hosts of larvæ, by setting boys to collect them, who at the rate of 1½d. per 100, gathered 18,000 wire-worms. Thus, at the expense of only £1 2s. 6d. an acre and a half of turnips, worth from £5 to £7, or more, were saved."

17010. Do you mean to adhere to the calculation which is made in this page of your former evidence? I mean to adhere to the fact of my having reported those calculations correctly.

17011. Do you mean to state that you believe that the whole of those calculations are correct? I mean to state that I have not yet found any error in those calculations. I have stated that I will look them over again, and if I find that I have made an error, or misquoted a single word, that shall be corrected; but at present these are quotations made from the *Royal Agricultural Journal*.

Mr. Bright then succeeds in educing some more game preservers' notions about the farmers, which will be edifying to the tenantry of the country.

17012. In answer to question 15458, you stated, that in all the

journals or works you have read upon that subject, it has always been held that the pheasants and the partridges are the farmers' best friends; do you intend to run partridges and pheasants in competition with persons who profess to be greatly the friends of the farmer? I most decidedly think that pheasants and partridges are infinitely better friends to the farmer than those people who parade the country and preach to the populace that they are their friends, but who attempt all the time to sow seeds of dissatisfaction among the agricultural districts, and between the labourer and his employer.

17013. Do you intend to run the pheasants and partridges in competition with the county members? In harness?

17014. You stated that the pheasants and partridges were the best friends of the farmer, do you believe that? The journals so state them, and I believe they are excellent friends of the farmer.

17015. Have you not stated that they are the cheapest and most effective servants the farmer has? Decidedly, in the destruction of the wire-worm.

17016. Are you of opinion that the agriculture of this country may attribute a large portion of its prosperity to the great quantity of pheasants and partridges which have been fed upon the farms? *I think a great deal of the prosperity of the agricultural districts is induced by the pheasants and partridges.**

17017. Do you feel yourself satisfied in thus placing your opinion in opposition to the opinions of the vast body of practical agriculturists in this country? I feel myself perfectly justified in placing myself before the public agreeing in opinion with a vast majority of the landlords, of agriculturists, and of society.

17018. Do you happen to know what agricultural counties in Great Britain are least known for the preservation of game; are you acquainted with Lincolnshire? Not much.

17019. Do you know whether game is much preserved in Lincolnshire or not? I do not.

17020. Are you acquainted with the Lothians in Scotland? No.

17021. Do you know whether game is strictly preserved there or not? No.

17022. Do not you know that Lincolnshire and the Lothians are counties peculiar for this fact, that there is very little preservation of game there, and yet there is no peculiar destruction of the crops by the wire-worm? I believe there are large preserves of game in Lincolnshire.

17023. You were understood to state just now, that you were not acquainted with the fact as to Lincolnshire? I did not mean at all to state that there are not large preserves of game in Lincolnshire; and I do not mean to state that there are not large preserves in the Lothians.†

17024. At 15480 you made some remark about occasions of col-

* What say you to that, farmers?

† The arithmetical break down seems to have made the witness cautious.

lision, and you said that chances of collision would arise frequently under certain circumstances; does it then appear to you that there is, in the preservation of game, and in the practice of sporting by landowners, some cause of frequent collision between farmers and their landlords? None whatever.

17025. Then how comes it that you yourself used, within a few lines, the word "collision" over and over again. You stated, "The temptation of game is not stronger, if so strong, as it is in other cases; but if you permit a farmer or his men to carry guns" —"if you give a farmer or his men leave to trap the rabbits," and several other "ifs," chances of collision will arise? *The same chance of collision will arise between landlord and tenant* AS BETWEEN A BUTLER AND HIS MASTER.*

17026. Do you happen to know any farms upon which the landowner does not reserve the game at all, and has nothing whatever to do with it, being no sportsman? Yes, several.

17027. Can you mention them? I have known several in two counties; I know several in Hampshire.

17028. Do you know the Duke of Richmond's property in Sussex? Not at all.

17029. Are you aware whether he gives his tenants the uncontrolled right of killing game upon his estates? Not at all.

17030. Did you hear a witness the other day state that; a gentleman from the Duke of Richmond's neighbourhood? No.

17031. If a landlord interfered in no degree with game, but when he let his farm it was given up to the tenant, just as much as the sheep fed upon the farm belong to the tenant, do you suppose then that there could be any possibility of collision between the landlord and tenant upon the subject of game? *There would be no game at all.*

17032. Do you suppose that in such a case there could be any chance of collision upon the subject of game? *There could not be if there was no game.*

17033. How do you make it out that there would be no game if the pheasants and partridges are the best friends of the farmer? Because, in many instances, *the farmers are not aware of it;*† in some instances their minds are perverted by designing people, and they are made to wish to find a cause of quarrel with their landlords; and I am quite certain that if game on any farm is given up to the farmer, and the landlord wished simply to come down occasionally for a day's shooting, I am quite certain that in that case there would be no game to make it worth his while coming; no game to make it worth his while residing in the neighbourhood.‡ If the game was left entirely to the farmer, and the land-

* Mark that farmers, if you are prepared to vote for a game preserver at the next election.

† Oh how happy farmers might be if they did but know all the blessings they enjoy!

‡ What quantity of game a landlord might think it worth while coming down or residing for, I cannot say, but every farmer examined stated, that if

lord were excluded from it, in some instances the farmer might preserve.

They then get back to the compensating theory.

17034. You stated that on farms where there is game the tenant should be permitted to sit at an easy rent, sufficient to cover all reasonable damage by game: do you allude in that case to winged game at all? I allude to all sorts of game.

17035. Do you include in that winged game? *Yes.*

17036. Then do you think that a tenant farmer should be allowed to sit at an easy rent because his landlord preserves pheasants and partridges, which you have stated before, are the best friends of the farmer? *I mean to couple the pheasant and partridge with the hare and the rabbit.*

17037. In a former part of your evidence you have stated to the Committee that the pheasants and partridges were a full compensation to the farmers for the damage done by the hares and rabbits: how do you reconcile that with the proposition you have made, that the farmer should sit at a lower rent because he keeps the game, in which game you include pheasants and partridges? *I meant the compensation to apply only to hares and rabbits.*

17038. How do you reconcile those two answers? I think they agree perfectly.

17039. You stated that the farmer should sit at an easy rent because he has game upon his farm, that is including winged game as well as four-footed game; and you have stated before that the pheasants and partridges are a full compensation for the damage done by hares and rabbits; then what ground would there be for any compensation in the shape of a lower rent? I have stated before that pheasants and partridges might be considered as compensation to a great extent for the hares and rabbits; but you will find that I have always stated, that if rabbits are preserved to the extent of a little warren, *they will do a great deal of harm.* It is my opinion, and I repeat it again, that the hare and rabbit, *if judiciously maintained, are repaid by the good that is achieved by the pheasant and partridge;* but I again state, to prevent the possibility of any charge for damage by game, that in all agreements the tenants should sit under game at a reduced rent rather than that it should be left open to demand.

17040. You stated in answer to question 15451, that the damage actually done by the hares and rabbits would be amply repaid by the good that was achieved by the pheasant and partridge; now, if all the damage that the hares and rabbits can do is amply repaid by the good that pheasants and partridges can do, upon what ground can you think it desirable that a man who keeps these

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he had the control over the game it would afford him pleasure to keep sufficient to show the landlord real sport—not barn-door fowl-shooting certainly—but a fair athletic pursuit of game.

beneficial, or at least compensating animals, should sit at a lower rent on that account? I explain it thus: that when I propose that the tenant should sit at a reduced rent, I propose then that the landlord shall have the unlimited right of crowding either the rabbit or the hare upon his land to any extent he pleases; he will be sure not to encourage the rabbit too much,* and I wish to meet the demand for compensation which at present is on foot; and I desire that the tenant should always be placed in such easy circumstances that he should have no foundation whatever for any sort of dissatisfaction.

17041. Is there, in your opinion, any damage from hares and rabbits which the keeping of pheasants and partridges cannot amply compensate for? I think there is no damage from the hare that the pheasant and partridge does not amply compensate; but I think it is possible to rear and maintain rabbits to the amount of a small warren, that must do great damage just in the vicinity of the place where they are kept. I think that no landlord would attempt to keep rabbits to that amount.

17042. You stated in answer to question 15487, that a farmer should be taken over his farm and see the amount of game, and that he should understand that he had it on that account at a reduced rent; is it not possible for a landowner indefinitely, or to a very great extent, to increase the amount of game upon the farm during the lease, and thereby to make the conditions under which the tenant holds different from those upon which he took his farm? It is possible for a landlord to increase his game, but I maintain that he would never increase his rabbits, and never could increase his game to do the tenant any material injury;† and that in fact upon a farm so taken the amount of game would vary, as it very often does from bad seasons, and in that case there would not be so much game upon the land at times as when the tenant took it. From all the observation that I have made, a farmer cannot in any one way be injured by the hare, the pheasant, or the partridge; all the injury pertains to the rabbit.

17043. Are you of opinion that a farmer suffers occasionally from the vicissitudes of weather and climate? Very much.

17044. Would you think it doing a kind act to the tenant-farmer to superadd to that the vicissitudes arising from a very large amount of game which the landlord chose to preserve? I deny that there is any vicissitude attendant on the preservation of game, but what is amply compensated.

17045. Have you not stated just now that, owing to bad seasons, there might be a great deal less game, and owing to good seasons, a great deal more, than there was when the farm was taken; is not that vicissitude? I merely alluded to that in reference to the

* The Dorsetshire evidence tells another tale. Those who knew that county thirty years ago tell me that the rabbit was then called "the weed of Dorset;" the evidence given by farmers from thence shows that this "weed" is still cultivated by the squires most assiduously.

† Again, what do the farmers say?

farmer's idea on the matter. I think the fact of there being fewer partridges and pheasants, if it was in a season when the wire-worm was abundant, would injure the farmer; if it was in a season when there was no wire-worm to any extent, I do not think it would do him any harm.

Mr. Berkeley was then solicited to work out his own suggestions for placing game under the protection of the police, and the following is the result. Not very unlike that of the wire-worm theory.

17046. You have stated, speaking as a magistrate and a gentleman intimately acquainted with game, that the laws for the preservation of game are less severe than for the preservation of other descriptions of property, and you give as a proof that game is not placed under the protection of the police: has it ever occurred to you that there is any particular reason why game is not placed under the protection of the police? No. I know of no reason why it should not be.

17047. Has it ever suggested itself to you that it would be a desirable thing to do? Decidedly.

17048. And that game preserves generally throughout the country should be watched by a police, paid for by a general rate? No such thing ever entered my head.

17049. Then will you explain what you meant? I simply meant this: that power should be given to the police to prevent infractions of the game laws, and to interfere with the possession of illegal game; the same power that they have over stolen property of other descriptions.

17050. Do you think it is the duty of the Government, or of the municipalities, to maintain, in various districts of the country, a sufficient police for the protection of property, paid for by a general rate over the country? I think there ought to be a sufficient police for the protection of all private property.

17051. Do you think that the police should be maintained by a rate, people paying in proportion to the amount of their property? I think the police should be maintained in the best way the Government think fit; I have no favourite plan which I would point out that they should be maintained.

17052. Do you think they should be paid either out of the public taxes, or out of local or district rates? I am not prepared to advise either.

17053. Should it be one of those two ways? *I am not prepared to advise either.*

17054. Do you think it would be desirable that any individual in a town should pay for the police in the town? No.

17055. In your opinion, all those whose property is preserved should pay for its preservation? Undoubtedly.

17056. Can you tell the Committee why it is, that whilst police are scattered all over the country, and are generally to be found

in the towns for the purpose of preserving property from spoliation, the care of the game of the landed gentry has never yet in this country been placed under the direct control and preservation of the police? I think that when it was made private property there was a great error in not putting it as much under the control of the police as other private property.

17057. Has it ever appeared to you a desirable thing that there should be a rate levied out of which the police should be paid, whose duty it would be to preserve game? No.

17058. Do you think that such a thing would be desirable? No.

17059. Do you think such a thing would be possible? *Not for game alone;* I think that the policeman who protects one species of property ought to protect all private property alike.

17060. It has been stated that there are 278 gamekeepers in the county of Suffolk; do you think the shopkeepers in the towns, and the farmers, and everybody who pays to the rates, would be satisfied if Parliament were to place those 278 gamekeepers upon the country rate for their weekly wages, in the same way that the police have? *Not to pay gentlemen's keepers;** I should not think it would be satisfactory.

17061. Do not they now keep a police who take care of gentlemen's stock and gentlemen's houses, and everything else? They maintain the police, who take care of all local property. The policeman is bound to take care of all property; they are not peculiarly the servants of any one; I think they ought to take care of all private property alike. If you make game private property, it ought to be put under the care of the police.

17062. Have you not stated, over and over again, that it is private property? I have stated that it is, and I know that it is; but I have constantly heard it stated, in answer to questions by you, that it is not considered private property.†

17063. Then if those 278 gamekeepers are necessary for the preservation of that private property in Suffolk, is it your opinion that they ought to be placed upon the county rate for the payment of their wages, in the same manner that the rural police are? Decidedly not.

17064. Why not? Because every gentleman should pay his own servants.

17065. Are you of opinion that it is best that there should be police paid for by the county? I am of opinion that the police have been most beneficial; and I am perfectly aware that in those instances where it has been tried, where the police have been ordered to take cognizance of poaching transactions, the police have been found to be infinitely useful while so employed in putting down every other species of crime.

* Yet this is in substance the preservers' proposal to place game under the protection of the police.

† It is quite plain that, notwithstanding his acquired prejudices, Mr. Berkeley did not regard game as property.

17066. Do you believe that those 278 gamekeepers now employed in Suffolk are altogether, or to a considerable extent, necessary for the preservation of the game in that county? I cannot tell.

17067. Are the keepers employed in Gloucestershire necessary for the preservation of the game? I should think they were; we do not employ men when they are not necessary.

17068. Do not you consider it to be a grievance that the preservation of game is not placed under the police, precisely the same as the preservation of sheep and of houses? *I think it hard that game is not placed under their protection.* I think that is one of the reasons which gives a colour to the belief which is received by the ignorant, and which others artfully endeavour to instil into their minds, that there is a difference between game and other property.

Mr. Villiers then put a few questions to Mr. Berkeley, in order to draw out his views as the organ of the game preservers.

17176. Would you wish to return to the system of your Norman ancestors in these matters, the system connected with the rights of chase, and the laws connected with game which existed hundreds of years ago? Not particularly.

17182. Mr. *Villiers.*] I believe you volunteered to be a witness before this Committee? I do not know that I volunteered; I professed myself willing to be a witness, if called on.

17183. You were anxious to give publicity to your views on the subject of the game laws? I could not well do so, more than I have already done.

17184. You have come forward before the public as a champion for the game laws? I do not know that I have; I have written several works in their defence.

17185. You have succeeded, in your own opinion, in waking them out of that injurious apathy into which the landed proprietors have so long fallen; and you know that the game laws will not be abolished, because they are founded in justice, reason, and principle, and you are anxious that the community should be aware of that circumstance? I have published to that effect.

17186. You have offered your evidence here in the same view, I presume? I have given my evidence here with a view to set things in their right light.

17187. You have had occasion to believe that it is becoming now a practice among Members of Parliament, and persons desirous of obtaining a little brief notoriety, to run a tilt at particular laws? I have; particularly at the Corn Laws.

17188. And you consider, therefore, that it is the duty of rational and enlightened men to lift their hands against this dangerous sin? I look upon it to be the duty of every enlightened man to lift his voice, when he can, *against any dangerous innovation.*

17189. That has brought you into the field against those monomaniacs, persons who, with a view to a little notoriety, seize upon one law, no matter how good it is, at which to run a tilt? That has brought me into the field against all persons attempting dangerous innovations.

17190. Those persons who are against the game laws in general are designated by yourself as "Quixotic"? Those persons who run a tilt at any old established *law that has worked well*, I think bear the blame of Quixotic inclination.

17191. And it is necessary for some spirited individual to come forward, and meet them in consequence? I think it is the duty of every man to defend everything that works well.

17192. You have given great attention to rural affairs? I have, as much as I can.

17193. Particularly to what affects the morals and religious habits of the people? *Not particularly to that question, but considering the whole subject and its bearing generally.*

17194. Having considered the laws affecting game, and also observed what is likely to influence the moral and religious habits of the people, you have come to the conclusion that the game laws have no tendency to demoralise the people? I have come to the conclusion that the game laws have no tendency whatever to demoralise the people; but, on the contrary, to restrain crime.*

17195. It is your opinion, also, that to suppose that they have that effect is an argument of agitators, which the reasoner can drive into a corner and render tangible to his grasp? I think demoralisation is one of the charges which a fair reasoner can lay hold of and grapple with.

17196. And you are of opinion that these laws have a useful influence on the farmers; that they lead to the observance of the Sabbath, and generally engender kindly feelings between different members of society? I am quite certain that all law tends to the better observance of the Sabbath, and the game laws as well as others.

17197. I refer to your opinions as they have been published upon the subject of the game laws, and have quoted the sentiments there expressed? If you have quoted from that pamphlet, you have quoted my sentiments as to the beneficial influence of the game laws.

17198. This is the result of your experience as a magistrate, as a game preserver, as a Member of Parliament, and as a resident proprietor? I have come to the conclusion that the game law is conducive of great benefit, both as a magistrate, as a Member of Parliament, a game preserver, and a resident country gentleman.

* I have extracted much of Mr. Berkeley's evidence, wherein he reiterated statements he had before made, because it is desirable to understand that the preservers do mean to stand by their law as long as they can, and to show on what ground it is they defend game and the game laws; and this witness is avowedly the preservers' mouthpiece.

17199. You have to complain of the law, and those who administer it, and the resident proprietors, on several grounds with respect to their leniency? I make no complaint whatever; I may be said to appear rather as a defender, in this case, of a class of persons who have been unjustly accused.

17200. Do you adhere to the sentiments which have been published in this pamphlet bearing your name? To every one of them.

17201. Do you not charge the magistrates with being too lenient, keepers too forbearing, and proprietors not strict enough in the preservation of their game? No; but you have charged the magistrates with unjust severity, and their system altogether is unduly blamed. I have stated that so far from their being too severe, if any error can be charged against the magistrates, *it is for too great leniency.*

17202. You have designated some magistrates as "fancy magistrates"? I have.

17203. Those are magistrates who give time to find sureties, or are too lenient in the administration of the punishment which the law allows? Not so; what I mean by a "fancy magistrate" is, one who publicly declares that there is an existing law which he will not enforce. I say that it is a dangerous and ruinous precedent for a magistrate to have his private opinion as to what the laws are which he is called upon to enforce and what not.

17204. Are you alluding to the opinion of particular magistrates? do you know several magistrates who are apt to be too lenient? Your question now assumes a character which it ought not from any reply I have made. I am not blaming any magistrate or attacking any magistrate for too great leniency. I am defending the general body from the charge of too great severity; and, mentioning "fancy magistrates," I know one or two magistrates of anti-game law opinions, who might come within the meaning of the word, as I use it, if I am to believe their own declaration.

17205. Are there not references in your pamphlet to magistrates who do not render that justice which you require by a strict enforcement of the game law? I refer to magistrates in my pamphlet who will not sufficiently enforce the law simply in contradiction to the assertion which others have made, that they always overstep its bounds.

17206. Have not you stated that if punishment was severely inflicted, and the law strictly administered, there would be less poaching? I am of opinion, that if punishment was more strictly inflicted it would tend greatly to put down poaching. I think the law is so leniently administered that very often it fails in its effects.

17211. With respect to keepers, I believe you have complained that they are very apt to parley with a poacher before they strike him? No, I do not know that that is exactly the meaning of any passage of mine; but I am of opinion that there is a great cry made against a keeper who strikes, the same as against a policeman

who strikes; but I think a little timely severity from either will often deter from more serious crime, and check an evil-intentioned offender.

Mr. Villiers then seeks some information upon what has been called "the punch-in-the-head" system of game protecting.

17212. You are of opinion that if the keeper should see that the poacher was thinking of striking him, he ought to strike? *Undoubtedly.*

17213. You think that is a discretion that can be safely entrusted to gamekeepers? It is a discretion which must be entrusted to any man who is legally empowered to secure an offender.

17214. Do you think that would apply generally to all offences? I think it would apply to all cases wherever violence is intended on the part of the person to be apprehended, because if the blow from the person to be apprehended came first, it might entirely incapacitate the apprehender from taking him into custody; therefore the person having a right to apprehend him would not be able to fulfil the provisions of the law.

17215. Do you think it always clear whether a man is thinking of striking another before he does some act? I know pretty well whether a man means to strike or not before he has struck; for if I do not, how can I parry the blow?

17216. Is it not easy to parry the blow if the blow is not struck? It is not easy to parry a blow if the blow is not struck; I think it is impossible.

17217. Have you ever heard of this justification of an assault before a court of justice, that the person assaulted the other because he saw what was passing in his mind; that he intended to strike him if he did not strike first? No, but the closing of the fist is deemed by the law to be an assault, if the hand is raised.

17218. But you have not specified that in your work, but you have confined it to the thought? *It may be a difficult thing to describe.* I do not know whether my examiner is either used to the gloves or to the foils; if he is he will know that the place you watch in your antagonist is his eye, and you know by his eye whether he means a lunge or a blow; and therefore if I was standing opposite to the man I intended to take, and I saw in his eye that he meant to break my head, I should try to break his.*

17219. But if you were to amend the system of preserving game, if your advice was asked, you would say that one means you would prescribe would be that the keeper, when he knew by another's eye that he was going to strike him, or thought he was, should begin the assault? I think any man who is going to apprehend another, if he apprehends violence, is legally borne out in commencing sufficient violence to enable him to compass his end.

* This savagery is coolly discussed as an ordinary incident to game preserving.

17220. You occasionally act as magistrate yourself? Yes.

17221. Has any case come before you where a party has pleaded that excuse for assaulting another? Never.

17222. If a man was brought before you, and he stated that he *thought he saw something in the man's eye*, and that he had struck him, would you consider yourself at liberty to acquit that person? If a man was accused of unnecessary violence, I should inquire into the circumstances; if I deemed that he had only used sufficient violence to ensure the capture of the offender, I should say the man was borne out.

17223. You state that magistrates sometimes reprove the keepers when they find a poacher has been very much mutilated or very much bruised, and the keeper exhibits no sign of having been assaulted? *I never knew a poacher mutilated.*

17224. But you have seen conflicts in which only one party had suffered? I have known poachers struck, *but I have known keepers very often dreadfully punished.*

17225. That is not the question; the question is, whether it does not occasionally happen, before magistrates, that the keeper is not wounded at all, whereas the poachers exhibit great signs of having suffered? *I never recollect such a case.*

17226. Then what is it you refer to in that case, when you complain that the magistrates will often reprove keepers when they exhibit no sign of having suffered, and the poacher shows that he has been much beaten and bruised? I allude to that in my pamphlet as an illustration, and I have known police officers blamed in the same way; for instance, if a culprit shows a bruise, and there is not one upon the person who apprehended him, I have known the magistrate find fault with the appearance of the bruise, but at the same time I have been perfectly aware that, very likely to save his life, or to save his own head, that blow was of necessity given; *and that does not always occur to the magistrate so much as it ought.*

17227. But you object to this reproof being given by the magistrate? Not at all; I am for public investigation if there has been any improper violence on either side, and I would visit it heavily upon either.

17228. If you have stated that in your pamphlet, you have not fully stated your meaning? I think I have.

17229. You have stated in your pamphlet one instance in which the magistrates failed to do their duty, "that they are apt to blame gamekeepers if a prisoner shows any marks of punishment, there being no corresponding appearance of blows on the persons of the captors?" My pamphlet is written in a spirit of defence, and I have instanced those facts to show that the magistrates are inclined always to object to violence, and to a lenient administration of the law.* I do not mean to assail them for it, but to show that such

* The reader will suspect by this time that the "spirit of defence" in which Mr. Berkeley advocates the game laws, is a general denial of each particular imputation of evil against them, without much regarding collateral matters.

circumstances do exist, in contradiction to others which have been advanced against them.

17230. The magistrates sometimes object to poachers having handcuffs put upon them? *They do, and I think they are decidedly wrong in that.* In my own case, as a magistrate, though I never had reason to do so, I should always advise that handcuffs should be put upon any man whose safe custody was demanded by the law; it is no pain to him, and it ensures safe custody, and also the impossibility of violence on his part which might lead to punishment.

17231. It is the mode in which felons of the worst kind are treated? It is the mode in which all persons are treated who are amenable to the law, where any supposition or expectation of violence or escape may be imagined.

17232. Is it always apprehended where poachers are taken, that they will make a violent resistance? *It is always apprehended by any man who has two ideas that a poacher will escape if he can.*

17233. Suppose there are two gamekeepers and one poacher? Then I should think that there is no reason why handcuffs should be put on, but there might occur reason in this way: supposing the poacher was bent upon resistance, and there were two keepers but the poacher was a strong man, his resistance might render it necessary for the keepers to injure him. Now if he had handcuffs on, such a casualty could not occur.

17234. It appears that you are for very strong measures on the part of persons executing the game law? No, I am not.

19235. You consider that often violence protects the servant of the law, and saves the offender from plunging his soul into deeper guilt? I think it often might occur; for instance, if you have to take a man, a blow may be necessary to secure his capture, and even to prevent his shooting you. I have seen that happen.

17236. In case those things should occur, you recommend that sort of treatment? I recommend necessary violence only enough to ensure the capture of an offender.

17237. Do you admit the sentiment propounded in your pamphlet, that there ought to be more fighting and fewer words? I think, in many cases, *more activity in the servants of the law,** and fewer words, would have saved the annals of crime from many serious stains.

17238. Are those opinions entertained upon the bench where you administer justice? I do not know at all what the opinions are upon the bench.

17239. You have not made any suggestions of this new mode of administering law and justice to the neighbouring magistrates? *I do not think it is at all a new mode.*

The following extract shows how the game preserving landowners become the centres of order and morality:

17266. Mr. *Villiers.*] You have come almost to the conclusion

* The way in which Mr. Berkeley attempts to show that gamekeepers are the servants of the law is sufficiently amusing.

that where there is an extensive and strict preservation of game, it leads to good conduct, and that where manors are abandoned, or where the game is slightly preserved, there is invariably poaching and bad characters? Undoubtedly.

17267. You consider the temptation to vary in proportion to the smallness of the quantity of game; that if there is but little preserved there is great temptation to poach? No, that is not my opinion.

17268. You have stated in your evidence, and in your pamphlet, that it is particularly on abandoned manors where the worst characters are found, and where poachers are most numerous? For this reason: that on the abandoned land there always will be a certain proportion of game or wild fowl indigenous to the soil or to the river, and there men will go in defiance of the law, to kill what little game there is; and, also, men will there commence a course of poaching, and association with bad characters, who otherwise would never have thought of carrying a gun, simply because they say to themselves, "We may as well go there as those other persons; we do not offend any gentleman by it, and we may pick up a hare, or a pheasant, or a wild duck." Then they are brought into contact with the worst characters, and a great deal of demoralization is brought about by that abandoned land.

17269. Then it is the abandonment of the land, not the abundance of game, that attracts them? It is the little game on the abandoned lands that attracts them.

17173. You consider that a proprietor who does not preserve strictly is, in fact, an abettor of crime and murder? No, I do not.

17274. Are not those words in your pamphlet? No, that is not the sense of anything that I have written. I know the words upon which you have engrafted that monstrous opinion. *I think that a person who does not preserve, but who gives his land up to the will of the poacher, is guilty of a certain degree of demoralization.*

17275. You consider that a person who does not preserve does give up his lands to those characters? Of necessity, if he does not preserve his game, and there is little game upon it,* that game is open as the playground of poachers and bad characters, if they please to go there.

17276. Then when you speak of the great advantage which it is to the community that a proprietor should reside upon his property, you mean only such proprietors as preserve game strictly? I think a man can do infinite good by residence upon his property. I merely allude to game as a fact which will induce his residence. I think those important facts which induce the residence of the landlord on his acres ought never to be lost sight of.

17277. You think that between the game, the kennel, the stable, the decoy, and the river, the rich man ought to seek his recreation, and that nothing should be done to disturb him in his so employ-

* What if there is no game?

ing his leisure hours? I think that nothing whatever that can militate against the fact of a proprietor residing on his estate should be done in any way.

17278. You wish the Committee to understand that you not only think that the game laws are productive of no evil, and that the evils which are alleged against them have been grossly exaggerated, but that they are really attended with great advantage? *Yes, decidedly.*

17279. Considering the very harsh terms in which you have referred to everybody differing from you, and the very unqualified manner in which you have described their object and their character, have you taken the trouble to know the persons who differ from you upon the subject? Yes, I have a knowledge of them. I have the honour of differing from you.

17280. Are you aware at all of the character and station of the persons who differ from you? I am aware that there are great numbers of all characters and stations. I think there are some that are of exceedingly disreputable character, others very good.

17281. Do you know at all what the opinions of the Judges are upon the game laws, which you think are so beneficial? I never have asked the opinions of the Judges.

17282. Have you never taken the trouble to inquire what those who have to administer the laws of the country think of this important branch of the law? I have conversed occasionally with Judges about the game laws.

17283. Do you know that one of the Judges has said on the Bench, that nothing could be more oppressive than the present system of the game laws? He might have said so; I do not know it. *I should think he is a very bad judge.*

17292. Do you know the fact that Blackstone considered that one of the curses that attended the Norman Invasion was this right which you are so tenacious of, and which you want to defend; that it was not known in Saxon times; and he says, "In the Saxon times, though no man was allowed to kill or chase the King's deer, yet he might start any game, pursue, and kill it upon his own estate." He says that these have sprung from the forest laws, but that from those forest laws "has sprung a bastard slip known by the name of the Game Law, now arrived to and wantoning in its highest vigour, both founded upon the same unreasonable notions of permanent property in wild creatures, and both productive of the same tyranny to the commons, but with this difference, that the forest laws established only one mighty hunter throughout the land, the game laws raised a little Nimrod in every manor." Were you aware that those were Mr. Justice Blackstone's views? I am aware of the general fact; and I must add to that, that the party to whom you belong are now taking from us one portion of the law which Blackstone recommends, and that was this: that on his own land a person might pursue and take animals that he started. You have now taken it from the landlord and given it to the tenant.

17304. Have you heard a declaration of a jury lately upon the subject of the game laws in Worcestershire? I have; I think a more shameless proceeding never disgraced any jury in the world.

17305. Are you aware that the coroner's jury declared, "that they cannot but deplore the continuance of laws so immoral in their tendency, so fruitful in crime, and so destructive to human life as the game laws have proved after long experience, throughout the length and breadth of the country, and that they strongly recommend their abrogation?" Yes; I think a more indecent recommendation never disgraced the annals of juries.

17309. Do you remember the expression of Lord Wharncliffe, when he was Mr. Stuart Wortley, that the system of preserving game was the curse of the country? No.

17310. Do you agree in this opinion of a magistrate, a peer, and a proprietor, Lord Suffield, who had resided 30 years in the country, and had observed the operation of the game laws, which is about the period during which you say you have been observing these things. He says, "The extent and progress of the evil," alluding to game preserving and poaching, "cannot be conceived by those who are not conversant with the lower ranks in country villages. From extensive observation and inquiry, I believe in my conscience, that it is not too much to assert, that three-fourths of the crimes which bring so many of the poor to the gallows have their first origin in the evil and irregular habits necessarily introduced by the irresistible temptation held out, in consequence of the prohibition of the game laws, to a nightly breach of their enactments. This I can safely declare of my own knowledge, that of the numerous country villages with which I am acquainted, not one exists in which the profligate and licentious characters may not trace the first and early corruption of their habits to this cause. The experience of every impartial magistrate, and of every judge of assize, will fortify this assertion; many, indeed, have openly declared it." Does that make any difference in your views? Not the least; it has not the least effect upon my opinion.

17318. Do you remember what did take place under the old law before the sale of game was legal? Particularly well.

17319. Do you believe that no game was sold? I never knew an instance of a gentleman selling his game.

17320. Was your experience limited at that time? No, not any more than it has been since.

17321. When was it that the sale of game was made legal? I believe in 1832.

17322. And you never knew anybody sell their game before? No.

17325. You do not dispute that persons sympathize with the poor that are convicted of poaching? I think certain persons sympathize with them the same as certain persons sympathize with a pickpocket, or any other class of individuals who offend against the law; there are men also who affect a sympathy which they do not feel.

17326. Do you adhere to what you stated in your work, that

there is a general sympathy with men convicted of poaching? I do not think I ever admitted that there was a general sympathy with the poacher.

17327. You have stated that in your work, and you reprehend it very severely? I do not think I ever stated that there was a general sympathy; possibly there is a misdirected sympathy, a sympathy raised for designing purposes, but I do not at all admit that there is a general sympathy with the poacher.

17328. Then you have not made the admission, and you do not now admit, that the middle classes, namely, the labouring classes, sympathize with a man who is convicted of poaching? I mean to say that it is not my intention to admit that there is general sympathy with poachers. I do admit that there is a false sympathy with poachers among some classes, but I deny that it is a general sympathy; and I deny that it is a sympathy founded on any good ground.

17329. You are afraid of a change in the law, for fear that it should throw people out of employment? No.

17330. You attach great importance to the establishments kept up for the preservation of game, as giving employment to numbers of the people? Decidedly.

17331. Do you say that only in connexion with your opinion that the preserving of game is an advantage? I say that in connexion with my opinion that the preserving of game is of advantage, and is a vast inducement to the outlay of capital in rural districts.*

17332. But if it could be shown that game was not of advantage, then would you think it necessary to keep up these establishments for the purpose of giving employment to those people? If you prove to me that game is not of advantage, I would believe it; but you cannot prove that black is white.

17333. You would then think it proper to dismiss those establishments? No, I should not.

17334. If the preservation of game was proved to be a nuisance? If you can prove an impossibility, I will believe it.

17337. You object to all the clamour, as you call it, that has been raised against these game laws, because persons have a right to do what they like with their own? I object to the clamour that has been raised against the game law, because I think it unjust, improper, harsh, and inapplicable.

17338. You think it an unjust interference with the rights of individuals? I think the interference with game a monstrous interference with the rights of private property.

17339. How far do you limit that? do you think a person has a right to keep any animal he likes upon his property, however mischievous it may be to his neighbour? Certainly not, if it damages his neighbour, and is his property while it damages his neighbour.

17340. If he kept any animal that damaged his neighbour, you

* Here again Mr. Berkeley's opinion is directly opposed to the positive statements of the farmers.

would think him guilty of an unneighbourly act, and you would not wonder at his neighbour complaining of him? Decidedly: but the game preserver does not do so.

17341. That is your view of the effect of game on farming pursuits? My view is this, that no game preserver does keep on his land anything which does injure his neighbour.

17342. What would be your opinion, supposing a man had as great a fancy for rats as others have for rabbits and hares, and he took the greatest pains to multiply the number of those rats? should you think it wonderful if his neighbour, who was excessively annoyed and injured by those rats overrunning his house and his property, did everything that he could to destroy them, and rather sympathize with his labouring man if he knocked them upon the head? You do not put the same facts before me, because if you made a law making the rat, the moment it got upon your neighbour's land, his property, the rat would not be your property when it was doing him mischief.

17343. Supposing the person who preserved rats was exceedingly anxious to retain a qualification in people to kill rats, so as to preclude his neighbour from destroying the animal, should you think that reasonable? It is not so.

17344. Will you give your opinion how far such a power may be used? I presume that power may be used exactly to the extent that the law assigns.

17345. Would you consider that a man was justified in preserving and feeding, and doing everything to multiply animals that were considered a nuisance by his neighbour? If my neighbour fancied that my keeping a number of sheep or cows upon my land was a nuisance to him, I should think that he formed a very erroneous opinion.

17346. You admit that hares and rabbits do harm? I admit that rabbits can be kept to an extent that they may do harm. I do not think the hare does any harm that the farmer should complain of;* I think the harm the hare does is very slight, and that the pheasant and the partridge repay the damage he does by the destruction of wire-worms; and the same man that preserves the hare preserves the pheasant and the partridge.

Mr. Villiers then interrogated Mr. Berkeley upon the waste occasioned by the expenses incurred in preserving game.

17347. You have no doubt that the preservation of game is done at considerable expense? It is a considerable expense to the proprietor.

17348. I believe the proprietor pays largely through the country for the damage alleged to be done by game? Occasionally.

17349. The damage alleged to be done is by diminishing the produce, and by preventing capital being employed by which produce will be increased? *No, I deny that position.* I do not think

* See what the farmers say.

that fact of game being preserved in any way limits the employment of the farmer's capital. I think, of course, if rabbits are kept up to a certain extent they diminish his produce; but at the same time I think that the farmer is repaid by the method of his taking either at a lower rent than usual, or by pecuniary compensation.*

17352. But it is an additional draught upon the whole means upon thich the community depend for food? It is an additional demand for the farmer's produce, which I conceive to be beneficial to the farmer; at least, they all tell me that it is, and I cannot conceive that any blame can be attributed to the fact, but a great deal of good; besides which, the increase of game increases the food; game has become an article of general consumption.

17353. Among the rich? And the poor.

17354. The poorest? The poorest.

17355. The labourers? The labourers.

17356. Do they feed much upon game that they purchase? *In some places they buy a great deal of game.*

17357. Do you know what a pheasant or a hare sells for? Every year, at some periods, there is a great influx of game to the poulterers, and they cannot dispose of the game within a certain time; they will then send hawkers and other people round the country to take very low prices from the poor.†

17358. What is the lowest price you have known a pheasant sell for? I have heard of hares selling at 6d. a-piece; if a poor man can buy a hare that weighs eight or nine pounds for 6d., it makes a good dinner for him.

17359. Do you give it as your deliberate opinion, that it is one source of sustenance upon which the poor depend? It is not a source of sustenance upon which they depend, but it contributes to their general living more or less, according to the amount of game.

17367. You admit that the population is increasing very fast in this country? Yes.

17368. Then if the produce does not increase in proportion, is not the subject worthy of consideration whether we ought to encourage wild animals which feed upon the same food as man? That involves another question. If you were to decrease the number of large moneyed residents, you would achieve at once a very great ill; and if you were, by doing away with the game laws, as I hold you would, to induce your moneyed residents to go abroad for pleasures which they cannot get at home, they would take away out of the country a vast amount of capital, and a great deal of employment would be lost to the poor.

17369. *Quoad* the poor, is it not a great advantage to have very abundant harvests, and produce as cheap and as accessible to them as possible? It is a great blessing to the poor to have an abundant

* Again farmers say the contrary.

† All which the preservers want to prevent by compelling the police to enforce the game laws against the hawkers.

harvest, but it is a great blessing to the agriculturist to have his prices kept up.

17370. I believe you are an opponent to any system that will allow a free commerce in food? I am an opponent to any system that would abolish all protection.

17371. You are for increasing the quantity of game, but you are not at the same time for throwing open trade in the produce of the land in order to make it abundant? I am not at all for increasing the quantity of game; I am quite satisfied with game as it is.

17372. But you are of opinion that in some places it is not preserved as it ought to be? I think that if I had the land it should be preserved better.

17373. You think it would be an advantage if more game was preserved? No; I am defending the landlords from an attack. I say, instead of the preservation of game demoralising the poor and increasing crime, it would be better if there were more preservers of game and less opportunity given to people to become demoralised by poaching on neglected lands.

17374. But as far as game comes into collision with the wants of the people, you do not consider that a good reason for diminishing the quantity? I deny that game comes into collision with the wants of the people. I say that game brings to them a great source of profit, a great deal of employment, a great deal of good example, and that it effects to the poor great moral good.

Mr. Berkeley was re-examined by his co-preserver, Lord George Bentinck, on a subsequent day, when he corrected his wire-worm calculation, and some others of his previous statements. The reader will probably think the originals too wild or puerile to care for the precise degree of correction or modification Mr. Berkeley thought it requisite to make. But there is one statement made by Mr. Berkeley on this occasion so *complimentary* to the farmers in general, and to the respectable farmer witnesses examined before the Committee in particular, that I think the agricultural community should have the benefit of it. Lord George Bentinck asked Mr. Berkeley, "You were asked whether *you knew and were prepared to state* any instances where farmers had charged against the game the deficiency of their crops, which had arisen from other circumstances than the presence of game?" To which Mr. Berkeley deliberately replied, "I named several instances; but if the Committee wish for further instances of that fact, *I would simply refer them to the statements they have already had made to them by Mr. William Marris, Mr.*

Blatch, Mr. S. Chambers, Mr. John Bell, Mr. G. Hayward, Mr. John William Cooper, Mr. Nowlson, Mr. Samuel Lock, Mr. William Woodward, Mr. Alexander Gordon, and Mr. George Landale, in which you will find the damages considerably over-stated, the tenants refusing in some instances to increase their rent, supposing an offer were made to destroy all the game!!!" Let the reader contrast the statements of the witnesses whose credit Mr. Berkeley thus ventures to impugn, with his own statements and speculations, and say which bears the internal evidence of truth. Such wholesale and unfounded imputations on the part of game preservers certainly will not help their very rotten cause. The last bit of evidence I shall give is, Mr. Berkeley's reasons for volunteering his evidence, "Why I do so was this; because I wished to be brought face to face with the assailants, and to meet in every possible way the false accusations and calumnious assertions made against myself as a game preserver, and against the magistrates and landlords throughout the counties of England. Besides, I wished to show the public that I desired to conceal nothing, but that as a magistrate, game preserver, and sportsman, I courted the fullest investigation." That the public, now becoming aware of the real character and effect of the game system, will be quite satisfied with the exhibition, I am convinced; whether the game preservers have been much aided by their champion, is another question.

CHAPTER VIII.

GENERAL CONCLUSIONS FROM THE EVIDENCE.

It will be, I think, impossible that any one, uninfluenced by the disturbing passion for game preserving, to have read through the preceding extracts without arriving at the conclusion, that this country has long passed that condition in which wild animals can subsist as the natural and indigenous product of the soil. Their presence has long been inconsistent with good cultivation, and is daily becoming more so. But a somewhat more impartial inquiry into the natural history of the creatures we call game than that with which Mr. Berkeley favoured the Committee, will show in a striking point of view that game is incompatible with the present system of farming. In its natural state, that is, in a country partially cultivated, beasts and birds of game are never very numerous as compared with the extent of land over which they wander; and the reason is obvious enough, viz., that their increase is limited by the supplies of food which they can obtain from the natural pastures and uncultivated heaths, woods, or morasses whereon they are bred. They have also to contend with man, who is carrying on a constant warfare against them.

Where cultivation has made some progress, but there remains still in every district considerable tracts of wild land, is perhaps the most favourable condition of a country for game. Resorting to the cultivated spots for a great part of their food, the wild animals retire to the wastes for safety. There their instinct of self-preservation gives them some chance of escaping man's pursuit. In that state of things a much greater quantity of game might be maintained than would subsist naturally in a district altogether uncultivated. Of course, this assumes the

owners and occupiers of both cultivated and waste lands to be desirous of preserving the game, as otherwise, each advance of cultivation would restrict the range of the game, and tend to diminish their numbers. Now, this was very much the state of this country down to about the middle of the last century, when the commons and waste lands, which, until that time, existed in most parishes, began to be enclosed and taken into cultivation. With the exception of certain districts, there are now few wastes or commons: and consequently game, if kept at all, must be kept upon the cultivated lands. But whilst the land of the country consisted of cultivated land, interpersed with wild tracts of greater or less extent, the game which was reserved and protected by special laws as something sacred to the privileged classes might be kept in considerable abundance without difficulty. The tenants of the land expected to obtain little more than that which Mr. Pusey calls "the natural produce of the soil," and were well contented that the game should be reserved to the landlord. They were aware that at times it subsisted upon their crops; but it did not do so entirely, and was not always present. It was more commonly to be found upon the wastes, and its attacks upon the crops had rather the character of occasional incursions than of permanent location as at present. Poachers and other unauthorised intruders were kept off with comparative ease by means of a gamekeeper or two, the assistance of the tenant, and the aid of a most severe code of forest laws, which not merely punished the taking, but rendered the possession of game by an unprivileged person a criminal offence. Undoubtedly this was the golden age of aristocratic sportsmen. The feudal ideas, of which game and the game laws formed a part, had not then been shaken in the rural districts; and all classes in such districts regarded game as the sacred thing of the territorial aristocracy.

The political domination of the landed few was then, also, not merely unquestioned, it was deemed a necessity; there was comparatively no counteracting power. The trading and manufacturing capital and industry of the country had not become a power in the state, and produced changes of manners and tone of mind adverse to the concession of semi-feudal privileges.

Besides, the game preservers of that day were sportsmen. They expected to work for their game, and they did so. After the first few weeks of the shooting season, their sport became the veritable pursuit of wild creatures, which required skill and vigour, with the assistance of well-trained dogs, to render it successful. There was something of manliness and energy in their amusement, which always attract the sympathy of the English people. Farmers, too, very commonly, either accompanied the squires in their shooting excursions, or were themselves permitted, after the first fruits of the game season had been gathered by the proprietor, to enjoy the sports of the field. And after all, the game was not sufficiently numerous to make its pursuit an object of profit to the labouring classes. Here and there a few wild fellows, more influenced by the love of adventure and sport than the hope of gain, became poachers, and perhaps others would occasionally join in a poaching expedition; but the notion that game could offer a ready resource to the unemployed labourer never entered into the imagination of any human being. If the state of the country and the habits of the population had remained what they were when George the Third became king, I could agree with Mr. Berkeley, that the late game laws formed the most effectual code for the protection of game which could be devised. Game was contraband except to the privileged. But society outgrew the state in which the maintenance of such privileges was possible; and all the land having become cultivated, game, if kept at all, must be kept on the cultivated land and as the substitute for other stock. The changes I have spoken of as having occurred since 1760 have taken place gradually, but at each successive advance in culture game has become more and more the subject of complaint to the farmers, and of temptation to the labouring classes. Every day it has partaken less of the character of wild animals. And where farming has been highest, as in Norfolk, game has been most abundant, and has created the greatest ill-will and demoralization. Game animals preserved on the cultivated land soon began to increase prodigiously, from the ample supplies of food of the best kind constantly within their reach. It is a fact, that on mere wastes and forest land no great quantity

of game can be kept, as for instance in the New Forest, where, though completely protected, there is very little game. This was mentioned incidentally by John Read—Mr. Grantley Berkeley's reformed poacher—who in giving the history of his life, said he had been, at one time, a turf-cutter in the New Forest, and he was asked, "Did you kill any deer in the forest? Never; I never killed any deer. What did you kill there, then? I did not kill anything. No hares, or anything of that kind? No; *there are not many hares there.*"

In fact, wherever the owner of a tract of waste or forest land has wished to adopt the modern system of keeping a large head of game, he has invariably found it necessary to break up and cultivate a portion of his land, in order to provide food for greater quantities of game than the natural produce of the wild land would maintain. That, indeed, is the most favourable aspect of the game system, for it is far more common for a landlord to establish on his estate plantations and covers as harbours of refuge for game, and to retain them in his own hands in the midst of the land let to his tenants. This is little short of a deliberate robbery of tenants. In districts where good farming is not the rule, the best farmers are always the first to complain of game. And this is naturally accounted for by the fact, that the crops of the best farmers are more the produce of their own capital than are those of inferior cultivators. It is said by the game preservers, that tenants "may farm against the game," which simply means that a tenant ought to expend a portion of his capital in feeding his landlord's game, in order that he may retain the remainder of his own property for his own use. This demand is as insolent as it is unjust; and is one which no intelligent proprietor would make, and no prudent tenant submit to. That the ultimate, and not very distant consequence of the publication of the evidence taken by Mr. Bright's Committee will, I am convinced, be the abandonment of the practice of game preserving in all except the wilder and ruder districts of England, and perhaps the moors and highlands of Scotland. This must, of course, be the act of the several owners of land. But there can be no doubt that the immediate result of this inquiry will be, a demand on the Legislature for the speedy abo-

lition of all special laws for the protection of game. Certificates, penalties for killing game out of season, for trespassing in pursuit of game, for selling game with or without a license, for possessing instruments for destroying game, and so forth, must at once and for ever be given up. The law of trespass is amply sufficient for the protection of game preserves, so far as they ought to be or can be protected; and I firmly believe, that any serious effort on the part of the landowners to maintain the game laws will produce a feeling against them in the rural districts which will be anything but conducive to the good order of society.

It would be quite superfluous to recapitulate any of the proofs offered to the Committee of the damage to farming crops caused by game, or the irritation and social disorganization it produces. That has been almost admitted by the preservers, who only ventured to call one farmer as a witness, Mr. George Turner, called for the special purpose of contradicting Mr. Hayward, and he, on cross-examination, very much strengthened the case *against* the game.

Upon all other points, the defence of the game preservers admitted the evil. They did what lawyers term, confessed and avoided; that is, they impliedly admitted some demoralization, and tried to avoid the consequent condemnation of the game system to which every right-minded person would come, by saying, "Without this system landowners will not reside on their estates;" and further, they asserted that the demoralization takes place only where the game is not watched by a sufficient force of keepers. Without offering a comment on the first plea, I must note that the second admits the inefficacy of the game laws without watching; and the fair conclusion, even on the game preservers' showing, is, that game laws are wholly unnecessary. What the Legislature must, and will be forced ultimately by public opinion to do, is to withdraw the game laws and leave the game preserving proprietors to trust to their own vigilance for preserving their semi-wild animals.

That a higher degree of civilisation which the elevation of the industrious classes—now admitted on all hands to be essential to the well-being of our community—will force upon the

owners of the land in this country, will, ere very long, induce them to abandon the barbarous practice of slaughtering animals in sport, as they have long abandoned to the lowest of the low bear-baiting, cock-fighting, and so forth, cannot be doubted. Besides, the full perception of all the bearings of the question the publication of the game evidence will produce amongst farmers must soon operate upon the landowners. No tenant farmer who has the game on his farm reserved to his landlord is safe. His property may any day be confiscated at the merely capricious will of another. Even if the landlord should not exercise his legal rights in a way to be injurious to the tenant, there is still no security for the tenant. A great man may visit the landlord, and remark on the facility with which game might be preserved; and game is preserved accordingly. This was the case of Mr. Bates. Or the landlord may give up the game to his son, or let it to a game hirer; or the estate may change hands by death, insolvency, or some other incident on the landlord's part, against which nothing can protect the tenant. The tenant farmers whose game has been reserved stand on the brink of a fearful precipice. Let them look to this in time, for the fashion of game preserving is extending amongst the proprietors of land, while the necessity of higher farming is daily becoming more imperative, and game preserves are inconsistent with good farming. It is impossible to have gone through this evidence without having been struck with the tone and bearing of the game preserving section of the landed proprietors towards the tenant farmers as a class. From the pert flippancy of Mr. Villebois, the game renter,—who talked of a tenant as "*bumptious*" for endeavouring to protect his own property from game ravages,—and the cool assertion of Mr. Grantley Berkeley, that farmers always attribute to game losses which have been occasioned by bad farming and atmospheric influences, to the more guarded statements and opinions of Lords Fitzhardinge and Salisbury, there runs through the whole of the evidence of game preservers, a tone of insolent domination towards the tenant farmers,—a sort of implied claim to deal with them as mere creatures of the landlords' will, which is not merely offensive to the farmers as a

body, but indicates one of the main causes of that comparative deficiency of enterprise and capital for which English farming has become proverbial.

What man of skill and enterprise would attempt to make a living by farming with the possibility of the game on his farm being let to a Berkeley or a Villebois? or subject to the rat and mole catching crotchets of a Lord Salisbury? or under the timber and game protecting influence of a Lord Fitzhardinge?

Land in the hands of such proprietors as preserve game is, so far as regards husbandry, in mortmain; it is out of the pale of improvement. Our ancestors became jealous of the accumulation of land in the hands of the monks, and passed many laws to check it; but the monks in the barbarous ages were the patrons of husbandry, they greatly promoted the art, and their tenants were the only occupiers of land in the middle ages who obtained comfort and competence. But our modern game preservers, who sigh for obsolete and feudal privileges, are the true drags on the advance of husbandry. They acquire or retain the nominal ownership (for in most instances a large portion of the substance belongs to mortgagees) of vast tracts of land which they cannot cultivate themselves, and will induce tenant farmers to undertake a real cultivation. They have hitherto, by means of the corn laws, contrived to keep their rents higher than the actual state of farming on their estates justified, they have induced tenants "to farm against the game;" but that must now cease. Prices may henceforth be expected, in ordinary seasons, to be moderate, and the farmer will only succeed by growing larger quantities than formerly. To enable him to do so he must be relieved from game; first, because the actual damage by game forms a ruinous obstacle to good crops; secondly, because the state of dependence in which game preservers find it necessary to keep their tenants, must prevent that complete and permanent possession by the farmers which is indispensable to high farming.

Moreover, farmers, as a class, should strive to emancipate themselves from that kind of semi-feudal dependence which has

hitherto too much characterized the relation of landlord and tenant in England.

In the evidence before the Game Committee many of the farmer witnesses are found to have used expressions of this sort: "I have always desired to keep game enough to show the landlord and his friends a fair day's sport;" or, "I don't object to a moderate preservation of game," and so forth; but when the point came to be examined, it appeared that the only way in which the tenants could be secured against what they justly called, "an excessive quantity of game," was by having the entire or concurrent interest in the game. They must retain in their own hands the power of preventing excess, and the tenants care but little about the game. But though in particular cases this may prevent exorbitant injury, the only real security for the farmer is an absolute and exclusive right to the game, that he may if he pleases extirpate it as he would other vermin. The whole matter is in the hands of the farmers, for any thing like a general resistance on their part to the reservation of game would speedily get rid of the whole system. Therefore it is that I have dwelt emphatically upon this part of the results of the evidence.

But the other conclusions which will be drawn from the evidence are such as must influence every thinking mind. The maintenance of an artificial property by law, which nobody respects, is impolitic, directly and incidentally; and the evidence abundantly proves that few persons of any class deem it an offence to infringe the game laws whenever it suits their convenience so to do. Amongst any, except the labourers, this is not, perhaps, of much consequence, though no wise statesman would uphold a law which is habitually disregarded. But amongst the working classes in the country game is the fertile source of misery, demoralization, and crime. It forms at once the cause, the incentive, and the reward of criminal conduct. The labourer thrown occasionally out of work by the low farming caused by game, is tempted by the preserves, depredations on which at last become his main resource.

Moreover, the game laws have very materially produced the discredit into which the administration of law by justices of

the peace has, as I think, deservedly fallen. I do not say they form the only ground of public aversion to amateur justice, for there are inherent defects in our system of local justice, which, with or without game laws, must inevitably lead to dissatisfaction. But the administration of the game laws by country gentlemen has led the community,—whether rightly or wrongly I leave to those who have read my extracts from the evidence on the point,—to believe that justice is not seldom erroneously, and that it is not always impartially, administered. Of the apologies game preservers make for the evils they occasion, it would be difficult to speak in terms both true and courteous, and I therefore, leave them to each reader's consideration, with the single observation, that no laws could long survive such defence as that made by the game preservers on this Committee.

I cannot conclude these few remarks without calling the attention of both farmers and landlords to the fact, that the complete exposure of the crying evils of the game system and its mischief to husbandry, produced by this Committee, has not been made by the public men selected by the landowners and the farmers to represent their interests in Parliament, but by the representatives of the toiling artizans of the manufacturing districts. Nay, more, whilst the noble lords and gentlemen on the Committee, who are most connected with the section of politicians arrogating to themselves the title of "Farmers' friends," were, with some symptoms of *hauteur* and scorn, impugning the motives, and affecting to disbelieve the statements of the intelligent agricultural witnesses, the cause of agriculture and its industrious capitalists and labourers was firmly, steadily, and most ably supported by the representatives of Durham, Wolverhampton, and Manchester. The farmers of Great Britain owe a deep debt of gratitude to Mr. Bright, Mr. Villiers, and Mr. Milner Gibson personally for their labours in the Game Law Committee, and further, those labours may serve to prove that the real representatives of the industrious employed at the loom and the forge, can more truly represent the industry of the plough and the herd, than mere territorial representatives, however much their personal interests may be bound up in the well-being of agriculture. The lesson to land-

owners I would draw from this is, that if they mean permanently to maintain their influence in the rural districts, they must fairly and frankly uphold the interests of rural industry. The farmers are also much indebted to Lord Hatherton and Mr. Philip Pusey for their evidence, which quite decides the downfall of the system.

Mr. Pusey's evidence in particular, is a complete exposition of the causes which have rendered game preserving inconsistent with modern farming; and I venture to say, that the tenant farmers of the county he represents ought, at the next election, to mark their sense of his service to agriculture in that evidence by their unanimous vote in his favour, irrespective of all other public questions whatever.

APPENDIX.

I.

SPEECH OF JOHN BRIGHT, ESQ., M.P.

Mr. BRIGHT, after presenting petitions against the game laws from Horsham, in Sussex; from Almouth and Alnwick, signed by farmers and landowners; from farmers and landowners resident on the western side of the Severn; and from Ruislip, in Middlesex, signed by almost every occupier of land in the parish, said,—

I rise, in accordance with the notice I have given, to move for a select committee to inquire into the operation of the game laws. I am fully sensible of the great importance of the subject; and how much it is likely to suffer from its not being in the hands of some older member of the House than myself. The importance of the subject must be felt by all, and the deep interest I take in it must be my apology for introducing it to the House. I have noticed that for many years past, a very considerable number of the convictions, particularly at petty sessions, in agricultural counties, have been for offences against the game laws. Hundreds and thousands of persons, chiefly of the labouring classes, have been fined and imprisoned for these offences; there have been most violent outrages, and encounters of the most ferocious character between game-keepers and poachers, ending not unfrequently in the death of one party or of the other; and further, the last dread sentence of the law has often been inflicted on criminals whose guilt originated in offences against the game laws. It is because I feel a deep sympathy for these, the poorest and most defenceless portion of the population, and as deep a reverence for the sacredness of human life, that I now ask the attention of the House to the subject of this motion. I feel quite sure, that no considerable number of the members of this House can or will refuse

to accede to this motion. If any justification for bringing it forward were needed, it is found in the fact that there have been repeated instances heretofore of the appointment of committees to inquire into the operation of the game laws. There was a committee of this House in 1816, another in 1823, and one of the House of Lords in 1828, all on this subject. The object of the committee in 1816 appeared to be to abolish the then existing qualification for killing game, and to enable persons to qualify by taking out a taxed certificate. The committees of 1823 and 1828 went further, and recommended that the sale of game should be allowed by law. No one, however, can be ignorant of the real cause of the appointment of these committees. The infractions of the game laws, the prevalence of poaching, the violent encounters between gamekeepers and poachers, could no longer be overlooked, and it was hoped some remedy for these evils might be discovered. It is worth while to follow the course of these committees. In 1823 and 1828, they went upon the assumption that if the sale of game were legalised, gentlemen and lords of manors would breed game for the market, and so take the trade out of the hands of the poachers. The committee of 1823 examined a large number of poulterers from Leadenhall market, and asked them if the proposed change would put an end to poaching. The poulterers, being naturally anxious to have an open and legitimate trade, recommended that the sale of game should be legalized. But the committee were warned by one or two of them, more honest or more intelligent than the rest, that the experiment, as a means of putting down poaching, would fail; that the rearing of game would be so expensive to the gentry, that the poachers, who would incur no expense but the risk of being taken, would still undersell them in the market. And this has been proved to be correct. The recommendations of the committee were adopted, and they have signally failed, and poaching is now probably more prevalent than ever, and this I consider a sufficient ground for further inquiry. But in order to strengthen this opinion I will, with the permission of the House, proceed to lay before it some description of the evils which arise from the game laws and the preservation of game. From the almost universal cry which has been raised throughout the kingdom by the tenant farmers, I shall be justified in calling the attention of the House to that branch of the subject, and in endeavouring to lay bare, to some extent, the injury inflicted on the farmers by these laws. Some objection may possibly be raised to this course; but, considering how many honourable members are landed proprietors, and how many of them must naturally have a very strong sympathy with the cultivators of the soil, I trust there will be no serious objection to an examination of this part of the question; and, in connexion with it, I shall trouble the House with the particulars of some distinct cases of damage. About three weeks ago I was in Hampshire, and had an opportunity of conversing with several farmers, and received from them many facts connected with this question. One farmer writes to

me saying, "I have twelve acres of wheat completely spoiled, ploughed up and sown with barley, the loss upon which, with the extra ploughing, harrowing, and seed, and the difference in the value of the two crops, I calculate at £45 0 0
32 acres more injured to the extent of 6 bushels per acre 57 0 0
20 acres of vetches destroyed 60 0 0
14 acres of young sainfoin 42 0 0

The total loss he had sustained in one year was . . £204 0 0" (Cries of "Oh, oh!") The farmer I speak of is a tenant of a member of one of the Houses of the Legislature, and he says that if the committee I now ask for is granted, he will gladly come up and give evidence, and tell them all he knows of the subject. Another case, from the same neighbourhood, is that of a farmer who gave me the particulars I am about to state to the House. "He farmed 600 acres of land—he had one field of 70 acres running along a preserve belonging to ——." I shall be happy to give the name to any gentleman in private, but the House will see the desirableness and necessity of my not mentioning names unless I have special permission to do so. "For three years," the account continued, "he had £50 annual damage in this one field, and would as soon have kept 50 sheep turned loose on his whole farm as the game from this preserve. He began to trap them, his lease allowing him to kill rabbits, and the owner of the farm not caring for the hares. Going down one Sunday he found a live hare in the trap. He took it up, and gave it to his dog on the spot. A watcher, lying down in the cover, heard the hare squeak, summoned him, and he was fined 50s., and costs 7s. 6d. He then took out a license, and for six months trapped 50 rabbits and 28 hares per month. After that he bought traps by the gross, and had 24 set at a time; but the gamekeepers invariably entered his land and stole them. When in turnips the shepherd turned up the turnips at night, and in the morning there was scarcely one that was not half eaten by the rabbits. Hares eat the young corn in the winter and spring, and new shoots coming up do not ripen with the rest, so that the thrashing machine will not fetch out all the unripe grain, and what does come out is small and unripe (chickens' meat), deteriorates the general average, and the loss may be estimated at from 2s. to 3s. per quarter. Hares make runs, or racks, sometimes the whole length of the field, clear nine inches wide; hares feed during the winter by biting out the hearts of the clover, and this injures the grass for the coming spring and summer, and the hay crop. Five years' damage on his farm at the very lowest cost was £300, notwithstanding the number of game he had destroyed." And then he speaks of the illwill that is often created between tenants and landowners, and between the farmers and gamekeepers. The latter are spies upon the farmers, and in a multitude of cases the farmers have to bribe them. But this state of things is not confined to one county. A respectable

farmer, a tenant of an honourable member of this House, writes me from the neighbourhood of Stirling, and says, "I rent a farm of about 85 Scotch acres, and on this small farm I am sure I am £50 the worse for game yearly. Last year in a field of turnips of about five acres there were three acres almost totally destroyed. This year I should have been worse, but after I had upwards of two acres almost totally destroyed, I called three respectable men to value the turnips, in order to make the proprietor pay for them, and then was obliged to carry the remainder off the field to secure them from being eaten up. If turnips are thus destroyed, what must be the case with wheat, oats, and barley?" I could furnish you with statements similar to this from a great many farmers in this neighbourhood." The next case I shall submit to the House is from the county of Chester. It is taken from the *Stockport Advertiser*, a newspaper which does not generally sympathise with me upon any subject. The writer, speaking of hares and rabbits, says, "The breed of these animals, to the extent to which it has been encouraged in some parts of this country, is beginning to excite public sympathy towards those who are really suffering. On one estate, but a few miles from here, 300 brace of rabbits are destroyed weekly, besides a large number of hares; and when it is moreover told that they are carried to the nearest market, and made a large profit of by the owner of the estate, it is no wonder that public sympathy has been enlisted, and particularly so when several of the tenants have been obliged to quit their farms because of the destruction created by the game without adequate compensation for the loss." The honourable member for North Cheshire will easily discover to what estate this refers. It is the estate of a young gentleman, and a young magistrate of the county; and I have good reason to know that at the present time some of his farms are unoccupied, because they are overrun by game, and their produce almost entirely destroyed. It appears then, that this system is not confined to one county, but is found to prevail over a large portion of the kingdom. Another case is from a farmer near Clare, in the county of Suffolk, who says, "The loss of the farmer often amounts to more than his rent; and his inability to employ the necessary labour for his occupation causes a turbulent discontented spirit to exist between the employers and the employed; as witness our late incendiary fires. The great increase of the county rates in Suffolk is traceable to the same cause. In casting my eye over the Suffolk newspapers of last week, I find more than half the convictions are under the game laws. Many tenants in —— parish are in a state of insolvency, and this solely from the damage done by game. I know them to be steady, honest, and industrious men, but whenever complaint is made they are told they may leave their occupations if they like. I have noticed where game is most tenaciously preserved, in that neighbourhood have been most incendiary fires. My brother occupies a farm at Lawshall, and he tells me that the injury done to him by game on less than 100 acres was at least £50. He is obliged to take out a game license to prevent a greater

injury." Another case is from Sussex. It is extracted from a newspaper published in that county, and is from Mr. Hayward, of Marshall's farm, near Maresfield, Sussex. He says that, in consequence of the great damage he had sustained from game, he had written three letters to his landlord, but, having received no answer, he published the letters in the newspaper. He says he had divided his land into the most damaged side, and the best side. On the best side about 18¼ acres produced 327 bushels, whilst on the other side, about 14 acres 3 roods produced only 53 bushels; and that the damage computed by a competent valuer, was £129 11s., for which he had not received a farthing compensation. I have also an extract from a speech of Mr. T. C. Beasley, (whose farming the Duke of Rutland upon one occasion greatly eulogized,) at a meeting of the Waltham Agricultural Society, as reported in the *Worcester Herald*, in which he says, "That some estates he had seen were a disgrace to the proprietors; he had recently counted in one field as many as 83 hares, and to keep these was equivalent to the support of 23 sheep. For his part, he would not keep them for any landlord in existence; and he would ask whether it was common honesty to expect any man to keep that quantity of game for his landlord?" I am not a farmer, and therefore cannot be expected to understand the abstruse points of agriculture; but I ask for a committee, and if it is granted me, I shall be able to bring forward evidence which no man can dispute, of facts more extraordinary than those I have now mentioned, and which I believe to be true and undeniable. The county of Buckingham affords a strong case, and to show how enormous is the destruction of produce in that county by game, I may refer to a speech delivered by Sir Harry Verney, a magistrate of the county, at a meeting of magistrates, as reported in the *Aylesbury News* of the 19th of October, 1844. I understand from gentlemen of all parties, that Sir Harry Verney is not a man likely to use exaggerated language, or to make statements that cannot be substantiated; and in the speech to which I refer, he says, "Some occupiers were especially injured by the game preserves. Those who held land in districts where game was in great abundance, and where, consequently, the temptation to poaching was so great as not to be resisted, had especial reason to complain of the operation of the game laws. He had been informed on good authority, that the destruction occasioned by game amounted to at least one-fourth of the whole crop. (A voice, "In Bucks.") Yes; there were districts in this county in which one-fourth of the crops was consumed by game. Nor was that all of which the farmer had to complain; for, besides this serious loss, he had the increased county rates to pay, and to keep the poacher's wife and family in the union poorhouse whilst he lay in gaol. The farmers, in fact, were made to pay towards the preservation of that they most wished to see wholly destroyed." At that meeting a memorial to the Queen's government was recommended, but it was rejected by the majority of magistrates there assembled.

A striking fact stated in that memorial was, that, in 1843, 539 persons were committed to the county gaol, of which number 196 were for offences against the game laws. (Hear, hear.) Those offenders were sent to prison, maintained there at the expense of the county, and their families were supported by their respective parishes. These are the cases I wish to submit in connexion with this part of the subject; but I can assure the House that I have letters which it would take many hours to read over, detailing similar ravages by game, and some, from persons whose veracity is not to be disputed, are so remarkable, that I dare not read them now, because I do not think they would be generally believed. I am prepared to expect that, if any hon. member thinks fit to oppose the motion now before the House, he will tell me the landowners have a right to keep game upon their land. I will not deny that they have this right; I have no wish to interfere in the smallest degree with the rights of private property, whatever injury may be done in particular cases; for even partial ravages by game, or occasional infractions of the law, are perhaps less injurious than any real or serious invasion of the rights of property. But it is surely not just that any man should exercise those rights so that they become a grievance and a wrong to his neighbours and the community at large. Besides, the landowners should recollect that they do not keep the game on their own land, or on land in their occupation. A tenant-farmer who spoke at a meeting at Aylesbury said, he should be glad if landowners would really keep their game; but, if they had parks or lands of their own, there were holes and outlets by which the game came out to prey upon the property of others, and on that ground he thought the hardship very great upon the occupiers thus injured. In one of the cases I have referred to, in Hampshire, the farmer told me that his landlord allowed him by a covenant in his lease to kill rabbits, and had no objection to his killing hares; but that on the adjoining property a large quantity of game was preserved, and, to save his own produce, he was compelled to take out a certificate that he might destroy them; but, notwithstanding all the time and attention he devoted to it, he could not prevent very great injury to his farm. But there is another question which landowners ought to consider; and here I beg distinctly to be understood, that I have no intention to bring forward any debateable subject which may lead to any discussion not immediately connected with the question before the House. At the same time, I feel that the public have a great interest in this question. It is notorious that the destruction of grain by game throughout the kingdom is to an enormous amount; I believe it to be very much beyond what is generally supposed, but its true amount unfortunately we have no means of ascertaining. Now, the landowners have, for reasons which some may think sound, taken upon themselves the duty of providing food for the people of this country. Honourable members know my opinions on this point, but, without here discussing whether the system they have pursued be right or wrong, it is a system upheld in this House, and in favour

with a majority of the landed proprietors of the country. These proprietors have then taken upon themselves to be, and have constituted themselves, purveyors-general to the people of Great Britain and Ireland. Now, if there be a complaint on the part of a large portion of our population, that in some years they have an insufficient supply of food from the partial failure of the harvest, they have a right to represent to the landed proprietors that they feel it a hardship to be prevented going to other countries to supply themselves with food; and that the landed proprietors in almost every county of the kingdom, maintain on their estates large quantities of game, for no other purpose than that of amusement, by which a very considerable portion of the produce of the soil is destroyed, and the scarcity of food is greatly increased and aggravated. It may be urged, also, if any honourable member oppose this motion, that my sympathy with the farmer is beside the question,—that farmers make contracts with their landlords, and must stand the consequences of their bargains. I admit they make these contracts, and I have no wish to interfere with them; but there is no landed proprietor in this House who is not conscious of the fact, that there is at this moment, and has been for many years past, a competition for land so fierce and merciless in its operation upon the tenant-farmers, that they can scarcely be said to make half the bargain. And if they do contract with the landlord, reserving to him the right of the game, how do they know that the quantity of game preserved upon the farm at the time of the bargain will not be increased? It might be a moderate quantity then; but the landlord may sell the shooting to a third party, who has no connexion with, and no sympathy for the farmer; and this third party may preserve the game until that, which was an endurable evil to begin with, becomes a calamity ruinous to the tenant, so that all his capital and labour may be unable to bring him a fair return for the undertaking in which he is engaged. Upon this point I feel that I have strong grounds of appeal to the members of this House. There have been complaints, since this session began, of distress among the farmers in some districts, and deputations have waited upon the right honourable baronet at the head of the government, to ask him to consider that distress. A motion is at this moment on the books of the House for some proposition whereby the proposed reduction in taxation may not take place, in order that some other reduction may be made which is thought likely to afford more relief to the tenant-farmer. But I ask the landed proprietors whether it is not possible to give their tenants great—aye, munificent—relief, by abandoning this most ruinous and absurd system, and allowing their tenants when they take land, to be the sole owners of every living thing upon it, and the sole proprietors of everything their land shall produce? I will tell honourable members what I have heard from some farmers. Just before coming up from the country at the commencement of the session, I met with a very respectable and intelligent farmer from Lincolnshire. We first discussed the question

of the corn law, and on that we differed as widely as possible; we then touched upon the subject of game. I asked that farmer this question: "You believe that the repeal of the corn laws would be hurtful to the farmer; now, assuming, for the sake of argument, that you are right, and that you admit that game preserving is injurious to the farmer, do you believe that the abolition of the game laws would be a fair compensation for any injury he might receive by the abolition of the corn laws?" His answer was, "That would make very little difference on the estate where my farm is, because there is very little game there; but, where game is preserved to any great extent, I do think the abolition of the game laws would be a full compensation for any evils that may result from the repeal of the corn laws and the establishment of free trade." I conversed with a farmer from Hampshire, in a free and friendly spirit, and I find of late that the farmers view these questions in a more rational light than before, and that they do not think men in this House who differ from them in opinion are, therefore, hostile to their interests. This farmer told me that his fear of free trade was so great that he hardly durst give an opinion; but that, if he knew free trade to be inevitable, his fears would be greatly mitigated if he knew that game preserving was at the same time to come to an end. I have found this opinion general among farmers; and, although it is not my duty here to dwell more on that point, yet I do recommend to hon. members who are sincerely anxious to better the condition of the farmers, and to improve the agriculture of the country, to limit, at any rate, if they will not give up, the enjoyments of the chase, for the sake of that large, and most honourable, and most useful, and, in many cases, very suffering, class of the people who are employed in the cultivation of the soil. (Cheers.) I pass now to another class who have often enlisted the sympathies of hon. gentlemen in this House—those who are holders of allotments; and if the noble lord the member for Dorsetshire and the hon. member for Hertford are in their places, I have no doubt I shall have their sympathy. I will first mention the case of W. E., of Midhurst, in Sussex, as I received it from an informant:—"W. E. told me, and on a subsequent day showed me, that his allotment was at best of little value to him. It was part of a small field, situated with plantations full of game on three sides of it, and a heath, on which the game was also preserved, on the fourth side of it. Everything which he sowed or planted upon it was eaten up by the game, save his potatoes, and they were also destroyed, less or more. I myself counted 60 and odd rabbit holes, mostly made by young rabbits learning to excavate," (Laughter,) "as young rabbits do, among the potatoes. He had sown peas, expecting a few dinners from them, with a bit of bacon, in the summer; but he only had in all about a gallon, where he should have had at least a bushel. This was entirely the result of the game. He had tried, both last year and this, to get some turnips and greens for the winter: every blade went to the rabbits. All his neighbours were in the same predica-

ment, less or more. This land was rented from Colonel Wyndham, of Petworth, and the game was his game and two other gentlemen's. In Midhurst we have about 50 allotments, and I have frequently heard the tenants complain of damage done them by hares and rabbits, although not to any great extent; but in most cases they are afraid to say much, for fear of offending." Another communication I have is from the county of Suffolk, from a respectable farmer in the neighbourhood of Clare. He says, "In one of the cases referred to in my last letter (Bruce's), the loss cannot be estimated at less than 20s. I include the damage done to his barley crop as well as the wheat. This is more than his earnings for two weeks, and more than the rent of the whole of his land. The other case mentioned by me, but with no name, being a cottage tenant of the game preserver, is considerably worse; he had a worse crop, independently of which he sowed his land three times to insure a plant, the grain having been eaten by the pheasants after it was sown, and that which escaped was eaten by the hares when it got above ground, and the few heads that came to maturity were cut off with a knife, not being enough to employ a sickle." I would ask, then, in all seriousness, the attention of hon. gentlemen to this portion of the question, as being important indeed. There are parties in this country who have judged harshly of me and others with whom I act, because we have not hurriedly and enthusiastically advocated the system of allotments. We are of opinion, as all men must be, that it is of very great consequence to the agricultural labourer to have a nice garden about his cottage. In a moral point of view it is worth half the police of the district. I think every owner of land should, if possible, give to every labourer on his estate as much land as will provide him amusement and employment, and provide his family with some articles of food. But imagine the case of a labourer, who gets up by sunrise, two hours earlier than his usual time, in order to devote them, before he goes to work, in his garden. He works with gladness and hope. He returns from his daily toil, and again labours on his allotment, while during the day, perhaps, his wife and children have been performing there such services as are consistent with their skill and strength. But when what he has sown begins to appear above ground, it is devoured by the game of some large landed proprietor, who, standing on an eminence in the country, cannot see the extent of his estates, so boundless are they. I declare I do not envy the feelings of any man who is conscious that his game does this cruel and extensive mischief, —blasting the hopes and damping the energies of the honest and industrious labourer, and yet is indifferent about the matter. (Cheers.) But in speaking of labourers, there is another important consideration. All farmers agree, and I think all landowners who honestly speak out will say so too, that the preservation of game is most injurious to agriculture, as a pursuit. I speak not with respect to farmers, but as to the cultivation of the land. A farmer came to me the other morning with the petition from Ruislip, in this county, which I have presented to the House this

evening, and which is signed by nearly every farmer in the parish, every one occupiers in the parish. The farmer told me that though the parish contained 7,000 acres of land, not more than about 100 labourers are employed in agriculture; and that game is preserved to a great extent. He gave me an account of the expenses of that parish for the prosecution of poachers, for three or four years back; and here let me observe, that in the returns presented last session to this House, no return was made for Middlesex, as far as petty sessions are concerned. From this statement, and from the statements made by all parties, I am led to this conclusion: that where there is rigid game preserving, there cannot well be good farming, and if not good farming, there cannot be that reasonable amount of labour for the labourers which they have a right to expect, and which it is necessary they should have. (Cheers.) If I were a landed proprietor, seeing labourers growing up around my property, there is nothing I would seek to advance more than measures to give them greater employment and remuneration, so as to increase their physical comforts; for upon that foundation alone can be built up any moral education or religious improvement whatever. (Cheers.) And when we bear in mind what took place in Suffolk last year, and in Wales some time ago, and what has periodically spread through almost all the southern counties in England, I think all owners of property, and all owners of common sense, should endeavour to discover whether this proposition, or what may come from this proposition, I am now submitting to the House, might not do something to obviate and remedy many of those evils the rural districts are suffering under. Speaking again of the labourers' condition, I would ask the attention of the House to the executive part of the law, *i. e.*, to its administration. We were given to understand by the right hon. Secretary for the Home Department, at the end of last session, that attention would be given to the hardships endured by persons coming under the operation of the game act, and that he was sending instructions to magistrates throughout the country that they might administer the law with a little more of mercy. I have a few cases which must indeed be pretty well known. But where I bring one case I could easily have brought a hundred for the elucidation of the subject, or for establishing the ground on which I plead for an inquiry into it. The *Leicester Mercury* of March 2, 1844, gives the following account of the proceedings at the petty sessions, held at Ashby-de-la-Zouch, Feb. 24th:—"Magistrates, W. W. Abney and R. G. Cresswell.—William Edwards, Thomas Edwards, jun., and John Fairbrother, all of Worthington, charged by W. Peters, gamekeeper to Earl Ferrers, with having used a net on Sunday, the 1st of October last, not having a game certificate. The parties absconded shortly after the offence, and were not taken till the 17th inst. They were each fined £5 and costs, and in default of immediate payment, sentenced to three months' hard labour. They were then charged with the Sunday offence, and fined £5 and costs, and in default of payment three months' imprisonment. William and Thomas Edwards were

then charged with trespass in search of game on the same day, and fined 40s., and in default of payment to two months' imprisonment and hard labour. William Edwards and John Fairbrother were then charged with an assault on Peters, fined £5, and in default of payment two months' imprisonment." In this case, then, these three persons, one being a boy, for going out on a Sunday with a net or a snare, were thus severely dealt with. Surely it was not an overwhelming offence. One would have imagined that a magistrate would have looked at their condition in life, and the degree of their intelligence, and have pronounced a lenient and merciful sentence. But no, the very worst and most stringent powers of the law were brought to bear upon them; and ten months' imprisonment and hard labour were inflicted upon these unfortunate persons, for this single offence of going out on a Sunday with a net in search of game. There is another case, which is no doubt fresh in the recollection of the House. It is that of Lawrence Eborn, in the county of Buckingham, in September last. The report states that the watchers of the Rev. G. Chetwode saw him kneel to untie a snare. No snare was found, though the man was immediately seized, therefore there was no proof that there was a snare there at all. The gamekeeper believed it was his first offence. The man had a family of four children, one of whom was an infant. He had had thirteen children. He had done only ten days' work during the past month, and was in great distress. His children had not a bit of bread to eat. Mr. Stone, the magistrate, (a most appropriate name, for it required a heart of stone to take the course he did,) said he was liable to three months' imprisonment, but as it was his first offence, he should give him only six weeks and hard labour; ordering him also to find sureties, himself in £10, and two others of £5 each, or be further imprisoned for six months! This took place at the Ashendon petty sessions, September 23rd, 1844. I presume this gentleman is still a magistrate; and I ask the House to reflect upon the circumstances of this case. Here is a man who does not get more than 6s. or 7s. a week, when in work, ordered to find bail to the amount of £10 himself, and to find two sureties to the same amount. Is this an administration of the law consonant with the feelings of the public? Every newspaper had this account, and denounced the course pursued as one of the most flagrant instances of cruelty ever committed by any bench. But I fear there are many, aye, multitudes of such cases. What was the effect of it? Subscriptions were sent through the post office, to pay the fine inflicted on the poor man, and he was liberated. I hope some of his friends have taken him from that district where he suffered this grievous punishment, into some happier district, where offences against the game laws are not disposed of by a bench on which invariably sit men who are interested in the preservation of game. It is a principle of our law that a man shall be tried by his peers. An agricultural labourer is not very likely to be tried by a jury selected from his own body. But here is a case in which the man had no jury, not even of the middle class; but he was tried and

condemned by men who have a deep and enthusiastic feeling in favour of the preservation of game. When the right honourable gentleman, the Secretary for the Home Department, brought forward his Factory Regulation Bill, he introduced a clause to limit the magisterial powers of millowners. I thought that was, considering what was doing under the game laws, rather an unusual course. But if a gentleman residing in Yorkshire or Lancashire is not competent to sit upon the magisterial bench in certain cases, because he is interested in factories, I ask with what propriety can game preservers, who are enthusiastically wedded to the system supported by the present game laws, be allowed to adjudicate summarily upon offences against the game laws? (Cheers.) A man so convicted has no appeal. If he were asked to appeal to another court, where is the money to come from? He cannot, moreover, employ counsel to defend him, not being able to pay the expense. There is the unhappy culprit at the bar,—there is the gamekeeper anxious to obtain the favour of his employer,—and there is the game preserver, may be a clerical magistrate, sitting on the bench to decide the fate of the accused; and this is what is called law and justice in this country. I do not blame the magistrates altogether, because I suppose they must administer the law somewhat as they find it. But he must be a man of little feeling, and of small sympathy towards the poor around him, if he is not most anxious—aye, more than any one else—to co-operate with me, or with the House, or the Government, to arrange any better system by which his own sense of what is right may not be outraged by such cases as I have stated. (Cheers.) In considering the amount of criminality which attaches to those who offend against the game laws, I think some allowance ought to be made with respect to the amount of temptation which is around them. We have it on authority that the temptation in some districts is more than flesh and blood can stand. The honourable member for South Wilts (Mr. Benett) stated before the Lords' committee in 1828, "I believe the agricultural poacher is the most skilful, because he begins setting snares at a very early period; a boy at twelve years old sets snares with his father." A Huntingdonshire farmer says, "It is usual for shepherd boys to leave their work about twilight, at which time they are obliged, unless they close their eyes, to observe hares running about in all directions—a temptation such boys cannot resist, and from my own observations I can state as a fact, that the love of poaching has ruined more boys than all the public houses they have ever entered." Thus the House must see that boys are brought up to poaching, and that they are taught to believe that they are committing no moral offence or any infraction of the moral law. But there is another authority I wish to quote, that of Mr. Williams, Inspector of Prisons, who, in his 9th report has this passage—"While upon the general subject of prison discipline I may remark, that, however severe in physical restraints or powerful in moral influence, it signally fails in producing any salutary im-

pression upon offenders convicted of infractions of the laws enacted for the preservation of game. These men, while undergoing imprisonment, appear possessed of the idea that these laws are more harshly and inflexibly administered than in other cases of a more serious character, and that the punishments awarded are unequal, disproportioned, and unjust. In support of their views they instance the double convictions and cumulative penalties and imprisonments under various statutes for one offence, and the act against night poaching, under which offenders are adjudged to hard labour while detained for want of sureties, contrasting the law in this respect with its different application to those committed for sureties in assaults and other cases where the penalty of hard labour does not attach. The testimony of chaplains of prisons will be found to furnish abundant evidence that argument, admonition, entreaty, are all unavailing to induce in these offenders any admission of criminality, or a promise of relinquishing this pernicious pursuit. There can be no question that the tenacity of this feeling among poachers is in some degree to be traced to the support and encouragement it receives from the sympathy so notoriously prevailing among the middle and lower classes of society, and which was well described by a chaplain in the following terms: "I have frequently tried, but quite in vain, to persuade prisoners convicted of poaching, that they offend God in breaking the laws of their country; they answer, the law is oppressive, and they have as much right to the game as others. The man's neighbours, too, second him in this feeling when discharged; they receive him as usual, saying, 'You have been in prison, it is true, but not for stealing or felony.' A man loses no caste by having committed an offence against the game laws, but when discharged goes into the society of his fellow-men quite as usual." This opinion was generally held many years ago. Mr. Stafford, the chief clerk at Bow-street police office, was examined before the committee appointed by this House in 1823, and was asked whether he thought that when a poacher took game, he believed he was taking property belonging to another person; his answer was, "No; I think a man takes a hare or a pheasant with a very different feeling from that with which he would take a pig or a fowl from a farm yard." Mr. Hunt, afterwards a member of this House, being asked his opinion, said, "That while there were large quantities of game collected together, which the poachers could not avoid seeing every day, it was too great a temptation to them; they had a strong impression that they were not killing the property of any one." Mr. Benett, the member for Wiltshire, was asked "whether any disgrace or shame attached to poaching in the opinion of the lower orders?" His answer was, "Not the slightest." "Or in the opinion of those a little higher; that is, of unqualified proprietors?" "Certainly not." "Nor of the occupiers?" "Nor of the occupiers." Some gentlemen may suppose that this argues a great confusedness of mind upon the question of the rights of property; but it is not, after all, so clear that there is, or can be, any property in game. If otherwise, it

is very odd that the House should at one time have forbidden the sale of it; there is no such unjust prohibition in the case of any other property. But the report of the Lords' committee of 1828 throws some light on the question: they say, that, "inasmuch as the legal sale and purchase of game would necessarily invest that article in some degree with the character of property, it appeared just and reasonable that it should be protected from trespassers." Mr. Bradshaw, then a member of the House, and living at Worsley, one of the strictest game preservers in the kingdom, said before that committee, "I have a very strong opinion that, before you attempt to preserve game in that way, it should be made a species of property; you cannot, I am afraid, go the length of making it altogether private property, but I do not agree that a wild animal cannot be the property of any one." There is a peculiarity about this property; it cannot be impounded, or identified, as belonging to any one in particular. If a man is apprehended driving a pig, or in possession of a fowl, the chances are that he would not be punished unless the property could be identified; while if he had a hare or a rabbit, or even a piece of copper wire with a string to it, or was carrying a gun from a smith's shop across a private walk in a field, or in company with a dog of a peculiar cast of countenance, the law suspects him, and he will run a great chance of being punished. The law does not regard the taking of game as stealing; when a poacher is brought up, the game he has taken is not identified as the property of any one; it may have been taken on the high road; yet this man is subjected to a grievous punishment, so strictly has the law hedged round the game in this country. To show how little public opinion considers it wrong to kill game, I may mention the case of a man in the neighbourhood of Aldborough, in Suffolk, a notorious poacher, who carries on a very thriving, and, what may be called, in some degree, a very respectable trade, employing 30 or 40 men, and having a game certificate; he poaches chiefly on the estates of Lord Rendelsham and the Marquis of Hertford, and the men are united in a society for mutual protection, a mutual assurance society in fact, to fee counsel in case any of them are apprehended. There are notorious poachers in that county, who have by a long succession of offences and imprisonments been driven out almost from the pale of society—a kind of savages, living in hovels, or wherever they can find shelter; one of this outcast class was recently tried at the assizes for an act of incendiarism, but, as I am informed, was acquitted. Another case may be mentioned, to show how little poaching is regarded as an offence against the moral law. Some months ago I saw in a Yorkshire paper a paragraph announcing the death of an individual somewhat in these words—"Died, so-and-so, on such a day; he was a notorious poacher, but in every other respect a most upright and respectable man; and so great confidence was placed in his honour and integrity, that he has repeatedly been intrusted with his own commitment, and has proceeded with it to Wakefield House of Correction, and given himself up there, to

undergo the punishment which the law inflicted upon him." (Great laughter.) And it is not altogether without proof, that landed proprietors and game preservers sometimes engage poachers to act as gamekeepers. Now, if a shopman were found making free with the till, or abstracting some of his master's property, it is not likely he would be made cashier with a higher salary. But the game preserver will take a poacher—a clever fellow of fearless character, who knows other poachers, and understands the management of game—and make him a gamekeeper and a confidential servant. He would not do this if he believed the offence of poaching was an offence against the moral law, or if he viewed it in the light of theft. If game preservers are right in making out game to be property, like fowls or sheep, they are used very hardly; for it is an understood principle that a man's property should be preserved, and watched, and guarded by a police paid by the community at large; and yet there has never been a man bold enough to propose a rate on all occupiers throughout the country, for the purpose of paying the expenses of gamekeepers. This seems to show that the proposition that game is property does not rest on a very substantial foundation. I will now ask the attention of the House to certain returns bearing on this question which were laid before it last session. Some of them I moved for, and others were moved for by another honourable member. From these returns it appears that in the year 1843 the convictions at assizes in England and Wales for infractions of the game laws amounted to 152; at sessions, to 4,377; altogether amounting to 4,529 convictions. At the assizes 35 were transported, and five at the quarter sessions. At the assizes 112 were imprisoned for various terms. Of the cases of conviction at petty sessions, it appears the fines imposed average more than £2 each; and the imprisonments about *seven* weeks each. Now it is an easy matter for a member of this House to throw down £2, and walk off; many men waste as much or more almost every day; but when a labourer has to work for his daily bread, and happens to be caught in an infraction of the game laws, and is fined £2 or sentenced to *seven* weeks imprisonment, with hard labour at the tread wheel, I must say that it is a punishment altogether monstrous, when compared with the offence; and that the infliction of such punishments must destroy, in the minds of the great mass of the poorest of the population, all reverence for the law, and all belief in the impartiality, the wisdom, and the mercy of the legislature. (Cheers.) I have already stated that Middlesex has furnished no return of the cases at the sessions, and there are many others very incomplete. Cases of punishment under the Trespass Act have not come into the return at all, although the ground of prosecution was that the trespass was in pursuit of game; the case I have mentioned from Ashby-de-la-Zouch is entered but once in the return, though the individuals were punished for three or four different offences—using a net in pursuit of game, breaking the Sabbath, trespass on land, and assaulting the gamekeeper. I have no doubt, from

what I have heard from legal gentlemen in various parts of the country, that if the returns had contained a true report of all the punishments inflicted under and connected with these laws, it would have presented an amount of injury, suffering, and degradation, probably double that which the return now offers to the House. But there is another return, perhaps still more important. It appears that in *ten* years, from the end of 1833 to the end of 1843, no fewer than 42 gamekeepers have been killed; some by accident, and some under circumstances which have never been explained; but in 25 of these cases a distinct verdict of wilful murder was returned. Last session a factory act was passed, in which was a clause to compel a return to be made of all the accidents occurring from machinery—an unnecessary clause, I think, and useful only to show how greatly the liability to serious accidents by machinery in mills has been exaggerated. But this return proves, that far more persons who take out licenses to kill game, are killed in the course of a year in proportion to their numbers, than by the machinery and steam engines connected with the cotton trade of Lancashire. Of 30,000 persons employed in the cotton mills, one is killed in a year. The number of persons who take out game licences cannot exceed 60,000, and of these I suppose less than one half are gamekeepers; and yet out of this number there have been killed within the last ten years more than *four* persons per annum. And accidents by which death ensues are very different things from these deaths by violence. In both cases a life is lost, and survivors mourn; but in one case there is no guilt, and in the other a murderer is made. Take the recent case on Lord Derby's estate at Knowsley. A gamekeeper, a very worthy man, it is said, met a number of poachers; he fired, and one of the poachers also fired; the keeper's shot did no damage, but he was killed by the shot of the poacher. It was one of the greatest consolations of that poor keeper, as he lay next day upon his death-bed, that his shot had not hurried a fellow being into eternity. Five of those poachers were tried and convicted, one of them was hanged, and the sentence of the other four was commuted to transportation for life. I have seen a letter from one of them, a man whose past life might have given hope that he would never have come into these unhappy circumstances. I have heard of the condition of this man's parents; they are hastening with sorrow to the grave. The wife and family of the gamekeeper are bereft of their protector; those of the convicts are equally bereaved, and a stain rests for ever upon their names. This case more than any other has induced me to bring this question before the House. It may be a weakness, but I confess that the mental suffering I have endured from reading the details of the trial, imprisonment, and execution of one of these poachers, is such that I would not again willingly undergo; and I cannot understand how any man can weigh his amusements, although abstractedly innocent, in comparison with the great and grievous evils which they inflict upon the country. (Cheers.) But the year 1843 did not see

the end of the system; 1844 had its roll of victims. The daily papers, though they do not contain all the cases which have occurred, furnish the details (since the last parliamentary return) of 19 serious encounters between gamekeepers and poachers, in which two keepers have been murdered, and in connexion with which two men have been hanged, though under circumstances of a most unsatisfactory character; for the moment before they were executed, they protested, with a solemnity which it is almost impossible to believe any man could feign in such an hour, that they had no part whatever in the crime for which they were about to suffer. I cannot, however, doubt that the evidence was such as to justify the jury in the decision to which they came. These are terrible circumstances to arise out of the preservation of game for the mere purpose of amusement for a small portion of the people. In these 19 affrays, 31 persons were grievously, and some of them desperately, wounded. There was a case near Salisbury about a month ago —five keepers against five poachers—two keepers were taken to the infirmary, one with both arms broken, and two poachers were carried home dangerously wounded. Within the same week the same woods were again entered by a large number of poachers; thus unchecked by what had just taken place. There is the case of Lord Coventry's keeper, at Croom, in Worcestershire—a murder for which *eleven* persons are now in custody. I do not bring these cases forward to prove that no man should keep game, and that there should be no laws about game, but to show the House and the country that there are circumstances arising out of the preservation of game which are most lamentable, and that I have a strong and irresistible claim for a committee of inquiry. (Cheers.) But there is another description of calamities arising out of this system. A man was lately in the Penitentiary hard by, sentenced to *seven* years' transportation for taking rabbits in Staffordshire; and the distress of his mind, under the severity of such a punishment for an offence of a comparatively trifling character, was so overwhelming, that he put a period to his existence; the jury returning the usual verdict of temporary insanity. Another case occurred at Watlington, in Oxfordshire, where a labourer, a lad of sixteen, was employed to shoot sparrows, and whilst doing so shot a pheasant that chanced to come in his way. Is there a man in this House who, at sixteen years of age, would not have done the same? The gamekeeper heard the shot, charged the youth with the act, and threatened him with the consequences. This unfortunate lad, unable to face the distressing circumstances in which he found himself, I am informed, hung himself to a tree in the very field where the offence was committed, and thus escaped being brought before a tribunal which had such terrors for him in this world. We have the evidence of farmers everywhere, that gamekeepers are a spy on them, and that they feel it an insult to be watched and dogged over the very land which is in their own occupation. It is a system of terrorism which operates most injuriously upon the labouring classes throughout the agricul-

tural districts, and it appears to me to be one which the House is bound to look into. I cannot for a moment suppose there will be any opposition to this motion, unless it come from the honourable member for Gloucestershire, who has recently published a pamphlet on the subject. We have heard of a Berkleyan theory started some hundred years ago, which denied the existence of matter—which was, in fact, a system of immaterialism. This pamphlet has nothing of the "immaterial" about it. "Handcuffs," "punches on the head," "blows before words,"—there is something extremely material and substantial in all it recommends. I will not attempt to answer the arguments contained in that pamphlet. Most people think it contains the bane and the antidote, and that it answers itself very satisfactorily. There is one startling discovery in it, that the British constitution, lauded as it is, and that which is even of more value, liberty of conscience, are connected in some mysterious way with a great head of game. (Laughter.) I have sometimes said harsh things in this House and elsewhere of the proprietors of land, but never have I said anything so severe of them as has been said by some advocates of game preserving. They seem to think that if there were not an abundance of game, and sport, and *battue* shooting, gentlemen would not remain on their own estates in the country. I know not how far the country would suffer from this; but I believe there are many, very many, whose absence would be a great loss to the properties and localities with which they are connected. But I cannot and will not judge so harshly of the landed gentry, as to suppose they have no ties which bind them to their estates, and to the homes where their younger days have been spent, except such as are connected with sporting, and the duties and pleasures of a strict preservation of game. My opinion is, that there are other pursuits which it will better become them to follow, and which it will be a thousand times better for the country if they turn their attention to them. There is not a finer position in the world than that of a member of this or the other House of parliament, possessed of public spirit and blessed with a large property. He goes down to his estate with the means of doing incalculable good. Let him cherish a good feeling with his tenantry, and see that his lands are well cultivated; let him look after the labourers on his estate, and see that they have well-built cottages and good gardens, and that there are schools for all the children of the neighbourhood. I can assure hon. gentlemen that these things give a pleasure as great, and infinitely greater than any which can be derived from the pursuit of game, because the pleasure of doing good never wears out; and if gentlemen would pursue this line of conduct, instead of devoting so much attention to game preserving, they would act more up to the duties of English gentlemen, and their presence on their estates would then do far more good than anything they can do connected with the protection of game. (Loud cheers.) There is one mode of enjoying the sports of the field, which appears to me

particularly objectionable, and from which in great part has grown up this system of excessive protection of game. I alluded to the *battue* system. The right hon. baronet opposite, (Sir R. Peel,) I have no doubt, and many members of this House, know perfectly well what a *battue* is. My own information upon it is derived from the public papers; and I understand that gentlemen stand in part of a wood, and that a number of men drive the game within range, and almost up to the muzzles of their guns, so that it has no chance of escape. I will not stop to ridicule this amusement. It is so absurd that surely no sane man will say anything in its favour. If a man were to go into Leadenhall market to a basket of game with a net over it, and ask leave to put the muzzle of his gun into the basket, no doubt he would be able to kill a quantity of game, and he would have just as good a title to the character of a sportsman as a man has who joins a *battue*. (Cheers.) If there is one thing more unsuited than another to this age and country, with its dense and struggling population, it is this great preservation of game to provide for the system of *battue* sporting. What are we doing now? This House has established in every parish in the kingdom, a highly educated, and in many cases a highly paid officer, for the purpose of attending to the moral and religious instruction of the people; and it is said this arrangement is intended especially for the poor. But whilst you are building churches and schools with the avowed object of raising the condition of the people, you are maintaining a system which counteracts, to a very great extent, in many districts, all the good you are attempting to do. There is great sympathy for the poor now; more, I believe, than has ever been felt before, and many of the debates in this House, every session, are connected with projects intended to better the condition of the poor. The noble lord, the member for Dorsetshire, has his schemes for the benefit of the working classes; the hon. member for Hertford is about to bring in a bill for the improvement of the labourers, by encouraging the allotment system; and not only in this House, but in the country generally, I believe there is among the middle and richer classes, an honest desire that the poorest of the people should be raised up from their poverty, and that there should be a greater dispensation of the comforts of life to all classes, even to the very lowest among them. (Cheers.) It is to this feeling that I now appeal in the motion I am submitting to the House. I have not entered into a consideration of the law. I have not suggested anything as a remedy. It has been my object to lay before the House a fair, just, unexaggerated picture of the game system as it now exists in this country. I have cases which I have not brought forward, from the fear that they would be disbelieved; they are furnished me by most respectable men, and will be capable of proof before the committee. My object is a real, not a sham inquiry. I do not want every member of the committee to hold my opinions, or those of the hon. member for Gloucestershire. I do not want men on the committee who take no interest in the matter, and

who will not make a laborious investigation of the subject. I wish to have an honest and impartial committee, that will go through the question, beginning, middle, and end. I confess that though I have no pleasure in the pursuits of the chase, I can easily understand the enthusiasm with which some men join in them. I can believe that in many cases these pursuits may be innocent, and conducive to healthy enjoyment. I have no hostility to the amusement, but I think the amusements of the rich should be so guarded and limited, that the rights and interests of the poor should not be sacrificed to them. I am speaking to a House of Commons, three-fourths of whose members probably take out game-certificates. Many of those to whom I am speaking are preservers of game. With such an audience it may be supposed I have no chance of success. I repudiate such a supposition. I believe there is among many sportsmen, a feeling which will not deny fair play and justice to the humblest of the people. I think that in following these pursuits you may do, and often do, great mischief: but I still think you will not deny the inquiry I ask for. Let the House not judge the case as I have stated it, but on its own merits. I have brought it forward without using a harsh word towards any human being, and I can state, with the utmost sincerity, that there is not in my heart a particle of hostile feeling towards any one in connexion with this question; but I have seen the sufferings of thousands of the poor and the defenceless—of those to whom the law should be a protection—those for whose especial good the Parliament and the constitution exist; and I have seen that human life has been sacrificed under this system. Under these circumstances and with these feelings, I could not refrain from stirring this question; and I believe this House will not be doing justice to those over whom it is called to rule, if in any way it continues to give encouragement to a system productive of so many grievous evils, not to one class but to many classes of the community, and not to one district, but to the whole kingdom. I beg to move—"That a select committee of this House be appointed to inquire into the operation of the game laws." [The hon. member sat down amidst general cheering.]

II.

RESOLUTIONS TO BE PROPOSED BY MR. BRIGHT.

Resolutions.

1. That although the law recognises a qualified interest in game as resting in the owner of the land, it appears to your committee, that among all classes of the community a most important distinction is drawn between such interest in game, and the right by which other property is held.

2. That this distinction is an insuperable obstacle to any general acknowledgment of the propriety of the stringent legislation, by which it has been and is now sought to give protection to the qualified property which exists in game.

3. That infringements of the game laws are not in general regarded by any class as violations of the moral law, and such offences are not considered of themselves to fix criminality upon the characters of those who commit them.

4. That except among the class whose sports the game laws are intended to protect, there appears to prevail a strong sympathy towards individuals who come under the penalties inflicted by those laws.

5. That the penalties thus inflicted appear wholly ineffectual to prevent infractions of the game laws, or to reclaim those who offend against them; inasmuch as it is proved that very frequently the same individuals are convicted ten, fifteen, or even twenty times, during the course of a few years.

6. That the offenders against whom the game laws are enforced do not admit the justice of their sentences, but rather deny the impartiality of the tribunal by which they are tried, and consider themselves as victims of a harsh and unequal law.

7. That although game offences are not by public sentiment deemed criminal, yet they lead the labouring classes, in towns as well as in the rural districts, by a course of irregular habits, to offences of a more serious character.

8. That in a large proportion of cases, in almost every county, the magistrates who administer the game laws are preservers of game, and very frequently passionately fond of shooting, and this circumstance gives rise to a suspicion of bias; while the magistrates themselves feel that their administration of the law is regarded with extreme jealousy.

9. That this suspicion of unfairness is increased by the fact, that almost invariably the only witness against the poacher is a game-

keeper or his assistant, one of whom generally lays the information, and is the receiver of a portion of the penalty, whilst the other gives the only testimony required to secure a conviction. It appears, further, that it is rare that an indifferent or disinterested party gives evidence in game cases, except in favour of the person charged with the offence.

10. That although by law the game upon a farm is held to be the property of the occupier, except when specially reserved to the landlord, yet it is proved that the practice of so reserving it is all but universal; and that, in reality, the control over the game is in very rare instances in the hands of the occupying tenants.

11. That by an overwhelming mass of evidence it is proved that enormous damage is sustained by the cultivators of the soil where game is preserved, greatly exceeding, according to the evidence of many practical and most respectable farmers, the whole amount of the poor rate, county rate, church rate, highway rate, and income tax payable upon the farm on which the game is preserved, or which may be in the immediate neighbourhood of a preserve.

12. That it is proved upon the evidence of most trustworthy tenant farmers and landowners, that to compensate the cultivator of a game farm, a diminution of rent varying from 20 to 30 per cent. should be allowed.

13. That it does not appear to be the practice of the proprietors of land to make compensation for the destruction of crops caused by game, although some honourable instances to the contrary have been brought before your Committee.

14. That the system of game preserving is proved to be a source of great irritation to the tenantry, and of frequent disputes between them and their landlords, as well from the injury sustained by the tenants from the destruction of their crops, as from the interference and watchings practised upon them by the gamekeepers.

15. That it is proved that the prosperity of agriculture throughout very many parts of England and Scotland, is greatly impaired by the preservation of game; that a vast amount of produce is destroyed; that the fertility of the soil is diminished; that less capital is expended and less labour employed; and that thus, by the same process, the profits of the tenantry and the wages of the labourers are reduced.

16. That by a return presented to your House in the year 1844, it is shown that in the year 1843 not less than 4,529 persons were convicted of offences against the game laws, and suffered fine or imprisonment; that from the year 1833 to the year 1844 inquests were held on the bodies of 41 gamekeepers, and that in not less than 26 cases verdicts of wilful murder were returned.

17. That the extended and careful investigation which your Committee have made into the matters referred to them, has forced them to the conclusion, that the very serious and widely-spread evils which are so fully proved to exist, are inseparable from the practice of preserving game. That it seems clear to your Committee that this practice, now so general, and of late years so much

extended, is at variance with the interests of a country where population is rapidly increasing, where agriculture is improving, and where advancing civilization is everywhere apparent.

18. That with respect to remedial measures, and to changes in the law, your Committee would recommend that in all future legislation on the subject of game, it should be a primary object to discourage the practice of game preserving, as incompatible with the successful pursuit of agriculture, hurtful to the morality of the labouring classes, destructive of that kindly feeling which should exist between the different ranks of society, and generally disadvantageous to the interests of the country.

III.

DRAFT REPORT PROPOSED BY MR. BRIGHT TO BE THE REPORT OF THE COMMITTEE.

The Select Committee appointed to inquire into the Operation of the Game Laws, to Report their Observations and Opinions thereon to the House, together with the Minutes of Evidence taken before them;—Have examined and considered the Matters to them referred, and have agreed upon the following Report:

Your Committee have instituted a very laborious inquiry into the operation of the game laws, and for that purpose have examined 72 witnesses, all of whom have either been practically acquainted with the operation of the game laws, the effects of game and game preserves, or the administration or execution of the criminal law in preserved districts. Such witnesses have consisted of landowners (including several peers and members of the House of Commons), land agents, tenant farmers, attorneys practising at petty sessions, game salesmen, chief constables, and superintendents of police in rural districts, the governors of county gaols, inspectors of prisons, gamekeepers, farm labourers, and several persons who have been themselves offenders against the game laws. Your Committee have also examined S. M. Phillipps, Esq., Under Secretary of State for the Home Department. Mr. Grantley Berkeley, a member of your Committee, was also, at his own request, examined. The inquiry occupied the whole of last session from the time of the appointment of your Committee, and has been continued throughout the present session.

In order to arrange and classify the results of the voluminous evidence which has been given before your Committee, they propose to divide their observations into seven branches:

1. As to the nature of game; the actual state of existing laws for its protection and preservation, and the general sentiments entertained with reference to game and the game laws, by different classes of the community.

2. The operation of the game laws, and the effect of game preserving upon the interests and feelings of farmers, and the condition of agriculture.

3. The effect of game and the game laws upon the relations of landlord and tenant.

4. The operation of game preserving and the game laws upon

the morality and material condition of the labouring classes, especially those of rural districts.

5. The administration of the game laws, and its influence upon offenders.

6. The influence of game preserving and the game laws upon the general interests of the community.

And lastly, the remedies for evils of great magnitude and widely extended operation, which are proved to exist as the consequences of game preserving.

The peculiar nature of the animals legally and popularly known under the designation of game is such, that they can scarcely be deemed the property of any one. The old legal definition of *ferœ naturæ* is the only one which can be correctly applied to them. Each individual of the various species being like every other of the same species, it is impossible for the person on whose land they may have been bred and reared to identify them; they are his so long only as they are upon his own land, but when they wander to the land of his neighbour they become, so long as they remain there, the property of his neighbour.

This constitutes the broad distinction between game, considered as property, and the tribes of domestic animals kept in this country for use or amusement. The game laws have arisen out of attempts to protect and defend, as property, the wild animals which proprietors of land have chosen to rear upon their estates; and if those laws have failed, as we think the evidence offered to your committee shows they have failed, to impress upon game any other character than that of wild animals, except at the cost of a great extent of social disorganisation, we think it will be found to have resulted from the inherent nature of the subject.

In all countries, and in all ages, wild animals have receded from a growing population, and more extended and more perfect cultivation of the soil.

The different kinds of deer, the boar, the bustard, and the larger sorts of game, with which this country abounded some centuries ago, have become extinct, or are only kept in a confined and semi-domestic condition. This has been the consequence of increased cultivation. The smaller animals, now practically the only game, hares, pheasants, and partridges (for rabbits are no longer game, and are universally condemned as mischievous vermin), have maintained their ground longer, simply because, when not plentiful, the injury they have done to the cultivated crops has not been so obvious as that committed by the greater beasts of chase. But your Committee have reason to believe, from the general tenor of the evidence they have received, that as the cultivation of the soil improves, beasts and birds of game will, except where artificially preserved, as certainly diminish in numbers. The evidence of those witnesses who may be called the advocates of game preserving, no less than the testimony of the witnesses who have expressed opinions the most adverse to the practice of preserving game, alike lead to that conclusion. The question, therefore, is resolved into

an inquiry whether the artificial preservation of game justifies the maintenance of a special code for its support, or whether, could game preserves be shown to be innoxious, any such special laws are necessary for their defence. Your committee are of opinion, that so far from meriting the aid of special laws, the practice of preserving game is one which should receive no encouragement from the legislature; and that wherever game can be innocently preserved, the ordinary laws, if seconded by vigilance on the part of the game proprietor, commensurate with the shifting and exposed nature of his property, are amply sufficient to secure to him all the protection he is entitled to receive by law.

The actual state of the law as regards game is this: game belongs by law to the owner of the land on which it happens to be; and where the land is let to a tenant without reservation of the game to the landlord, the right to take game passes with the land to the tenant. But the custom of reserving the game and the right of entry to preserve and take it to the landlord is so general as to be almost universal; so much so that some of the witnesses examined before your Committee seem to have believed that, in the absence of a special agreement to the contrary, the game remained the property of the landowner. But the game owner, whether he be landlord or tenant, is subject to restrictions in the manner of enjoying his property, which are designed for the preservation of game generally. These restrictions are these: first, that he cannot take and kill or sell his game without payment of a certificate duty of 1*l.* 0*s.* 10*d.* a year; secondly, that as regards winged game, he can only take and kill, or sell, it at particular seasons of the year. Formerly game could not be legally sold, nor was any person legally entitled to have game in his possession, unless qualified by possessing a certain income derived from land, or by something which by the old game laws was deemed equivalent. That, however, was altered by the Act of 1 & 2 Will. 4, c. 32, by which the only qualification to kill, retain, and sell game was the possession of a game certificate, obtained by payment of the duty. That Act likewise authorised the general sale of game by licensed dealers, under regulations intended to prevent the sale of it by uncertificated persons.

These alterations in the game laws were undoubtedly great improvements, by making that lawful which, in spite of prohibition by law, was every day's practice: for the property qualification to kill game was but little regarded, and game was sold in every part of the kingdom. The same Act (1 & 2 Will. 4, c. 32) attempted, by the severity of its penalties and punishments, to prevent the unauthorised taking of game. Fines of £2 and £5, with costs of conviction, were inflicted on summary conviction before one or two justices, with the alternative of imprisonment for two or three months, either with or without hard labour, at the discretion of the convicting justices; and by a subsequent Act (5 & 6 Will. 4, c. 20) half the penalties, when paid, were given to the informer. Heavier punishments, with the obligation of finding sureties

against future offences, are imposed on the night poachers by 9 Geo. 4, c. 169.

[The Table having been inserted in a preceding page is omitted here.]

It will be seen from the above table, that one offence may be visited with three, possibly in some cases with four cumulative punishments. For instance, killing game on a Sunday or Christmas-day is punishable on summary conviction before two justices, by a fine not exceeding £5 and the costs of conviction; and in the event of nonpayment, imprisonment for any term not exceeding three months, and with or without hard labour, at the discretion of the convicting justices. Then, if the game was killed out of season, the offender may be fined 20s. and costs; and if the fine be not paid, imprisoned for two months. Killing game without a certificate subjects the offender to a penalty of £5 and costs, or three months' imprisonment; and, whether convicted or not, to be surcharged by the surveyor of taxes for double the certificate duty, which if charged cannot be remitted; and to a penalty of £20, which may be mitigated to £10. These latter penalties are recoverable before the Commissioners of Assessed Taxes. The certificate duty is a Crown debt; but in the event of nonpayment of the £20 penalty, the offender is imprisoned for six months. Though in name a fiscal tax and penalty, and enforced by the surveyor of taxes, the surcharge and penalty are in practice only enforced at the suggestion of preservers of game, and as a cumulative penalty. All the above penalties might be enforced against a person killing game on a Sunday or Christmas-day, and out of season. Where more than five persons trespass in pursuit of game, and any one of them being armed with a gun, shall offer violence or threats towards the owners of the land, or his servants, another and additional penalty of £5 and costs, or three months' imprisonment, is imposed on the offender, and on every person aiding and abetting him. Various subsidiary powers, such as right to apprehend trespassers refusing to give their names and places of abode, a right to seize the game in their possession, and so forth, are given to the preservers of game and their gamekeepers, to carry out the provisions of the law.

It is obvious, that if the stringency of the law could prevent the unauthorized taking of game, these provisions would be effectual; but Your Committee have in evidence that nothing but so large a body of gamekeepers and watchers as to actually guard every part of a preserve, can prevent poaching.

Your Committee find, from the concurrent testimony of all the witnesses examined, whether favourable or unfavourable to game preserving, that infractions of the game laws are not regarded by any class, from the landowner who preserves game, to the poacher, in the same light as breaches of other laws. A spirit of adventure and fondness for sporting seem to form the inducement with many of the labouring men to become poachers, while others are led into

it by the occasionally large though precarious gain of a successful poaching adventure. And though all classes deplore the effect of poaching upon the characters of the men addicted to it, causing them eventually to commit graver offences, none regard poaching as a moral offence, or a sin. Labourers and farmers deem the game law harsh and unjust, and although the magistrates in general consider that they administer that law leniently, the large proportion which game offences bear to other offences in the rural districts, and the punishment of poachers with extreme severity, occasionally insisted on by game preservers, have created a very general impression on the public mind that the game laws are harshly administered. The records of the Home Office prove this opinion not to be altogether without foundation. It cannot be overlooked that very many of the magistrates, active in the administration of the game laws, are themselves keen preservers of game; and though gentlemen almost invariably abstain from acting as magistrates in the adjudication on game offences committed on their own property, there is an ardent sympathy amongst game preservers, and a common sentiment of hostility towards poachers; yet even the most rigid game preserver admits that there is a distinction between an offence against the game laws and the most petty theft.

Many magistrates execute these laws with reluctance, and all are conscious that all their adjudications in connexion with game are viewed with jealousy by the public.

The witnesses who most earnestly supported the game laws, were those who most anxiously stated the leniency with which the magistrates administer those laws, and the careful regulations by which they endeavour to guard themselves against possible imputations of partiality.

Your Committee deem the necessity of such care on the part of the magistrates, strong proof that the system is an unsound one.

Yet, notwithstanding this care on the part of the magistrates, the Home Office has found it necessary to interpose in numerous cases of irregularity and undue severity, and to exercise an unusual vigilance over the administration of the game laws.

Such being the general view your Committee take of the game laws, they proceed, under the remaining divisions of the subject to refer in some detail to facts disclosed by the evidence.

2. The evidence is uniform that game preserves occasion very extensive destruction of agricultural produce, and operate as most serious impediments to good farming.

This has been clearly demonstrated by practical farmers, from so many different parts of the country, and whose experience has been had upon all the varieties of soil, that it is difficult to select from the mass of evidence on this point that which most completely proves the operation of game preserves upon the agriculture of the country.

Your Committee, however, consider this point of view so important in its bearings upon the public interest, and some of the facts

given in evidence are so precise and specific, that they select as illustrations the following passages from this class of evidence; references to other evidence of the same character will be found in the margin.*

Mr. James Smith Nowlson, a farmer, near St. Alban's, Hertfordshire, thus describes the way in which hares, rabbits, and other game injure the crops:

"586. At what season of the year is it that the grain crops suffer, and what are the crops that suffer particularly from game? I consider the seed crop suffers from the seed time even up to harvest.

"588. In what way do hares and rabbits injure it (wheat in April) now? By eating the blade off and throwing it back, so as to make it come to perfection later than it otherwise would; and the consequence is, that it is subject to mildew.

"592. When do they bite it off? As it gets towards perfection they will cut it off about six inches or a foot above the ground; they will cut what we call 'recks' in the wheat. I can speak to one instance where I was called in to view it, just before harvest, where some of the furrows were literally cut for, I should say, a foot and a half each side; that is, a yard, including both sides of the furrows, was literally cut off by the hares and rabbits, so that the straw lay as an old stubble in the middle of the lands. Where they had not made a thoroughfare, there the wheat was good.

"594. Are the green crops much injured by game? To a very great extent.

"595. In what way are the turnips injured? By being bitten by the hares and rabbits; and consequently, if there comes frost, the frost will destroy them. After the skin is broken, the frost will take hold of the bulb and it will decay. I have seen an instance this season; in fact I can speak of one field of turnips that were sold at £3 10s. per acre, in consequence of being so injured by the bite of the hares and rabbits, which otherwise, within two months afterwards, would have realized £8.

"601. Can you state any instances of the money amount of damage by game on particular farms to particular produce? I could, but probably I should be injuring the individuals by stating names. I will give the names if the Committee wish it.

"602. Will you state the cases? In one instance I valued the damage of a crop of wheat at £6 per acre.

"603. On how many acres was that? On ten acres. In another instance, where the farmer had sown a whole field of wheat, he never reaped a sheaf out of it.

"604. What extent was that? That was seven acres; he never even got an ear out of it.

*Session 1845:—28-36; 43-45; 50, 51; 92-95; 157; 164; 203; 305-307; 3438-3503; 3617-3623; 3721-3741; 4060-4068; 5389-5413; 5461-5491; 7559-7576; 8140-8164; 8960-8988; 9494-9514; 10237-10256; 10280-10284; 10778-10799; 11791-11829; 11936-12006; 12584-12606; 13924-13973; 14151-14198.

"605. It was totally destroyed by the game? It was.

"606. Was it near a preserve? It was.

"607. What year was that in? It was in the year 1842 that I valued the damage at £6 an acre, but the year in which the crop was wholly destroyed I cannot state.

"608. Was it before 1842, or since? It was prior to 1842.

"609. On the same farm? No, on an adjoining farm.

"610. Have you any other particular cases in your recollection? At the present moment I know of a farm in which the game was let to a third party; in fact it is a farm which I left at Michaelmas, 1843. At the present moment the tenant has a certain small portion enclosed with hurdles, which is in a very thrifty condition, and the rest of the field is wholly consumed, quite bare to the earth.

"611. By what kind of game? By rabbits and hares, principally rabbits.

"612. Is that field near a preserve? It is adjoining a preserve.

"613. Have you ever formed any estimate as to how many hares may be considered equal to a sheep, including both what they eat and what they destroy? I have never made any calculation upon that; but the general impression is, that three hares will consume and damage more than will maintain one sheep.

"614. Suppose, at the beginning of the year, a doe rabbit in kindle was to be placed upon the farm, and a sheep, a ewe with lamb, and you were to maintain either this rabbit and its progeny, or the sheep and its lamb or lambs, to the end of the year, which would you prefer to have upon your farm? The rabbit and its progeny would consume more than 10 ewes and 10 lambs in the course of a twelvemonth; I mean with the whole of its increase, because we calculate that, on a dry soil, one couple of rabbits will increase to 50 in the season. We calculate that the first couple will kindle nine times in a season. The first of these will kindle three times in the season, the second two, and the third one.

"621. Is it your opinion that the preservation of game affects improvements in agriculture, and what is called high farming? To a very great extent.

"622. In what way? First of all we will begin with the turnip system. For instance, if a crop of turnips is injured, so as to lose half of them from the ill effects of game and frost, of course there is half less to be consumed by the stock on the land. In the county of Hertford the principle is to consume so much corn per acre, or so much corn per week, with those sheep; and the consequence is, that if the sheep are on the land only one week instead of four, the land loses three-fourths of the benefit of their manure. The consequence is, the barley crop is less; then the clover crop following, that is injured by it also; and then the wheat crop following is injured to a still greater extent.

"623. Are you of opinion that the whole course of agriculture suffers when game is preserved? To a great extent, particularly with turnips.

"621. Do you think that high farming and improved agriculture is possible under the system of rigid preserving? It is not possible; in fact you cannot grow large crops.

"648. Can you state whether, when awards are made by valuers, they have been satisfactory to either party? I should say, seldom satisfactory to the tenant; because I believe it is almost out of the power of any man to value the real damage that crops sustain by game, unless he takes it at eight different seasons of the year. I should consider that a person who is about to award damage done by game, ought to inspect the crops at least twice in each quarter, which is eight times a year."

And the general nature of the damage by game is described in very similar terms by the other farmers and valuers examined by your Committee. They all agree that the damage done to the grain crop is very great, and that the full amount of injury is difficult if not impossible to be estimated, while green and root crops, the foundation of all improved husbandry, can only be grown under great disadvantages where game abounds. Indeed the cultivation of winter tares, the main dependence of many farmers for manuring their strong land, and everywhere a most valuable crop, has in numerous instances mentioned to your Committee, been given up by farmers whose farms have been much overrun with game. Here, then, we find a large head of game strikes at the very foundation of fertility; for if the root and green crops are injured, every subsequent crop in the rotation is thereby diminished, independently of the direct damage each of such subsequent crops may receive from the game; nor is the actual damage the full measure of the injury the farmer suffers from game; for the agricultural witnesses, without exception, speak strongly as to the vexation and irritation of a farmer, who, in spite of all his efforts and all his outlays, sees his crops ravaged by wild animals over which he has no kind of control. The real amount of produce consumed by game appears, however, to be much greater than game preservers and their keepers are willing to admit; indeed, your Committee believe that the generality of the landowners who preserve game are themselves deceived upon this point. It is common amongst farmers, in describing the damage done by hares or rabbits, to say so many of these creatures will consume as much food as a sheep, and the estimate of comparative consumption varies from about three hares to six consuming as much as one sheep.

One witness, however, Mr. Gayford, an occupier of about 1,300 acres of land near Thetford, in Suffolk, has produced to your Committee the details of an experiment, undertaken by himself for the purpose of ascertaining the comparative power of consumption of rabbits or hares and sheep and the result goes far to show that the estimates commonly made amongst farmers on the subject are very near the truth. He divided an outhouse into two parts; on the one side he placed two down hogget sheep, and on the other 12 tame rabbits of a large breed; to each lot, the sheep and the rabbits, he carefully weighed the food they consumed, and at the end of

six weeks, when his experiment terminated, he found that the two sheep had consumed 35 bushels 3 pecks 9 pints of food, weighing 45 stone 10 lbs. and 3 oz., value 13s. 9¼d., while the 12 rabbits had consumed 68 stone 11 lbs. and 14 oz. of the same kind of food, worth 18s. 2¾d. It follows from this experiment, that the consumption of four tame rabbits, estimated to be equal to four hares, is, within a fraction, the same as that of one sheep. This shows an amount of consumption by game which is very serious; but the actual damage committed by hares and rabbits is far beyond that indicated by the amount of produce they consume, inasmuch as they are wandering all over the farms, picking a blade or a stalk here and there, and at all seasons in the year. On this point Mr. Gayford says (8676), "Assuming that four hares consume as much as one sheep, and also supposing that I was to keep the hares all the year round, I would rather keep one sheep than I would keep two hares; for this reason, I would rather keep 600 or any number of sheep on my farm, to feed, fold, and pasture them where I please, and to provide food for them, than I would keep half the quantity of sheep to run over the whole produce, and to have the free range of my farm, over my barley, over my wheat, over my Swede turnips, and everything else. And therefore with respect to hares, I should say I would rather keep one sheep than two hares to have the range of my farm. At least I think two hares would be quite as destructive to me as one sheep upon that calculation, because the hares would run about where they please, and prevent the growth of the crops." And he afterwards adds, in reply to a question (8682) as to the influence of game preserving on agriculture as an art or science, "I think wherever hares and rabbits are extensively preserved, it would be a bar to spirited farming, and to improvements which might otherwise go on. Speaking for myself, if hares were strictly preserved upon my farm, I should not expend so much money in farming as I do now, particularly in artificial manure."

The Duke of Grafton, who was examined before your Committee, stated he had destroyed all the hares on his estates, on account of the injury done to the farmers and the crops.

Sir Harry Verney, baronet, also stated that he had given up game preserving upon his property in Buckinghamshire, from a conviction that the preservation of game in great abundance is a serious discouragement to good farming, and expressed an opinion, "that there are districts in Buckinghamshire in which one-fourth part of the whole produce of the land is destroyed by game."

The manner in which Sir Harry Verney's attention was first drawn to the injury by game on his estate may be mentioned as an illustration of the fact, often brought before your Committee, that landlords are very often not aware of the real extent of injury inflicted on their tenants by game. Sir Harry Verney says, "Rather less than three years ago I was walking over one of my farms with the tenant, and I came to a field which had been broken up the year before, and had been sown with oats, and I remarked the very small crop in the field, and at the same time I saw a great

many hare runs; and I said to the tenant, 'I am afraid you have rather too many hares here.' The man smiled, and said, 'Yes, sir; if I had reckoned upon quite so many neighbours of this sort, I doubt whether I should have ploughed up the field.'" This led to inquiry, and convinced Sir Harry Verney that game preserving is a serious public injury. Sir Harry Verney also stated that a farmer who employs more labour than any other individual in the parish, and who is getting rich, had frequently told him, that if there was as much game in the parish in which he resides as there is in neighbouring parishes, nothing in the world would induce him to remain there; and the same views have been forcibly stated by Lord Hatherton and by Mr. Philip Pusey, a member of your House, both of whom have been preservers of game, and are improving and eminently practical agriculturists.

Lord Hatherton stated, that soon after he had been a game preserver he became also an extensive improver of land. He enclosed nearly 4,000 acres of waste on various parts of his property, and consequently became a great farmer. From that time he has generally had 2,000 acres of land in his own hands under improvement; and his lordship found to pursue the two occupations, "a rigid preserver of hares and game generally, and an improver of land by planting and farming, perfectly incompatible."

In answer to the question (7266), "Do you say you had not land in your own occupation when you first preserved game?" Lord Hatherton replied, "I had, but it was principally grass land; I had not begun to plough or to plant. I soon found, as a farmer desirous of introducing among my tenantry, and into the neighbourhood, a better system of cultivation, that it was utterly hopeless to do so, unless I completely destroyed the hares; for the attempt merely to reduce them was useless, for a good season repaired their numbers to such an extent, that I found there was no effectual means but entire destruction. Without that I saw it would be hopeless to introduce upon the light lands those crops we ought to have, such as not only Swede turnips, mangel wurzel, carrots, vetches, but lucerne and other crops of that kind; I have consequently entirely destroyed the hares, or at least destroyed them as far as practicable, over 8,000 acres of my property, and I have also completely destroyed the rabbits. The result has been, that I have not only been enabled to plant extensively without that depredation which formerly obliged me to replant covers, perhaps two or three times; and it has not only enabled me to rear beautiful fences on a completely barren soil, but I have introduced the cultivation of those roots to which I have before alluded; and I believe that my tenants have found equal advantage from it." Rather more than half of the 8,000 acres thus freed from game, Lord Hatherton says, is let in farms averaging from 250 to 400 acres. And to the question (7274), "There is no reluctance, on the part of the farmers, to occupy those lands on the terms on which they take them, referring to the power of destroying game?" his lordship replied, "None whatever; on the contrary, since I have destroyed,

I perceive that there is infinite confidence, on the part of tenants, in their expenditure; and it has happened to me, within the last two or three years, to have received indisputable evidence of my character as a destroyer of hares, it having turned very much to my account in a better class of tenants having offered themselves for my farms when they have been vacant. I have had very few vacancies on my estate at any time; but it so happened last year I had three good farms vacant, in two instances by the death of the parties, and in the other by the retirement of a female tenant; and I know from my steward that a great number of the numerous candidates that applied for those farms stated to him, that the principal motive of their wishing to live on my property was, their knowledge that they should be free from the devastation of game; and some of them stated that they had suffered much from it elsewhere." Again, the reply to the question (7385), "Have you observed, since you have destroyed the hares on your property, any disposition, on the part of the farmers, to make improvements?" Very great indeed; I am quite confident that improvements of various sorts, in the destroying of fences and the making of new fences, extensive drainage, and the introduction of other roots not hitherto cultivated, would not have been undertaken if they had believed that their improvements would have been subject to the former depredations by game;" and Lord Hatherton confirms a statement made by many of the witnesses who are farmers, that hares "will travel miles to the nearest field of Swede turnips, and still further to carrots."

Lord Hatherton's statement, that no mere reduction of hares and rabbits will protect the crops from damage in all seasons, but that the destruction of these animals ought to be total, is either directly or incidentally confirmed by most of the other witnesses, and perhaps by none more so than by some of the witnesses called by those favourable to game preserving. For instance, Mr. George Turner, from Sussex, who was examined very much for the purpose of endeavouring to show that the damage from game a former witness had complained of, was in a great degree attributable to his own want of skill in farming, is asked (6152), "Do you suppose that when a man takes a farm, as Mr. Hayward took that farm, his impression is, nothing having been said to him, that as it is then in respect of game, it is intended that it should be kept at about the same quantity, and not much increased? No, I do not say that, because the quantity of game must depend upon the season; he knows that it is a preserved farm, and he cannot calculate what quantity will be upon it; it will vary with the season. In wet seasons we have not so much game, and in dry we have more; in dry seasons they seem to come out of the earth almost."

Mr. Pusey's evidence is not less conclusive than Lord Hatherton's, as to the damage to farm produce caused by game; and he is of opinion that the modern system of farming is not consistent with the preservation of wild animals, except by highly artificial means. Mr. Pusey has stated this point with great force and clear-

ness. As this appears to your Committee to be one of the most important points of the present inquiry, with regard to future legislation on the subject, and as it is in substance the very ground taken by game preservers, who desire laws still more stringent for the protection of game than the present game laws, they have thought it right to refer particularly to this evidence.

"7550. Do you consider that good farming cannot be carried into effect in this country now, consistently with preserving a large head of game? I would not say that it could not be carried into effect, because we know that one of the counties which is most famous for game, is also most famous for good farming; I mean Norfolk; but I should say that the tendency of the new system of farming is, to render the crops more liable to injury from game; and also, that the tendency of the new system of preserving game is, to render game more injurious to the farmer. It appears to me that, since the middle of the last century, both farming and preserving have become much more artificial, and in consequence of this change on each side, game is much more injurious than it used to be.

"7551. Do you consider that high farming now is almost essential, under the present circumstances of our country? Under the old system of farming the Committee are probably aware there were very few green crops. The old system of farming was, two white crops and fallow, in which the ground was fallow all the winter; on the other hand there is no doubt that, where game is preserved strictly it has very much increased.

"7552. It is of course a great object now, with our increasing population, considering the limited extent of the country, to get as much produce as possible from the soil; and under those circumstances skill and science in farming have become more essential than at any former period? Certainly; I think the system of growing green crops renders a farmer more subject to annoyance from game.

"7554. Referring back to the point you were speaking to just now, as to the necessity of high farming at the present period, is it not a fact that the outlay is necessarily greater upon a farm than it used to be? Decidedly; formerly the crop was very much the unassisted produce of the land; and now, in many instances, the farmer pays as much to the manure merchant as he does to his landlord.

"7555. There is more expense required to restore the soil, and there is a greater demand for produce in this country than formerly? There is no doubt that, under the present improved system, the outlay of the farmer is very much greater than it used to be. I know one instance where a farmer pays 7s. or 8s. an acre for rent on a farm of 1,000 acres, and he pays £1 an acre for artificial manure to the manure merchant every year, and I have reason to believe that that amount of payment to the manure merchant is not unusual in Lincolnshire.

"7556. Is the farmer then necessarily more sensitive as to anything that shall limit his profit, or injure his crops, in consequence

of this great expense which he is obliged to incur? I think he is fairly entitled to be so; because as long as it was the unassisted produce of the land, he might view the stock which his landlord put upon the land with more leniency; but now that the produce is to a very considerable extent the result of the manure which he has purchased, he must feel more aggrieved by any serious diminution of the produce of the land.

"7557. The necessity for high farming arises from the circumstances of the period in which we live? Clearly. Farming is becoming more artificial, and the crop arises more from the tenant's capital than it did formerly. Also, the game, in my opinion, is much more abundant than it was eight or ten years ago in some districts, whilst in others it does not exist at all; therefore the farmers no longer feel that they have any participation in the sport of preserving game."

And Mr. Pusey says, "Game is no longer in the shape of wild animals, but is merely preserved artificially; and, therefore, as soon as it wanders off the protected property, it disappears." And he added, that "game preserving is daily becoming more of an exclusive luxury for the owners of large property, and less a source of healthful exercise to country gentlemen of moderate incomes. Unless possessed of very extensive property, or surrounded by other preserved estates, the preserver of game is afraid to disturb his game preserves too frequently, lest the animals should leave his land and be destroyed."

Mr. Pusey was at one time a rigid preserver of game, and he gave it up about two years ago, in consequence of observing his tenants' wheat crops damaged by the hares and rabbits; and he found "that one of his tenants had given up growing winter vetches altogether, in consequence of the abundance of hares." This was not a sudden determination, but in consequence of what he had observed for some years. He mentions many particular cases of injury which he has seen on his own estates, and says, that "it would be almost impossible to grow winter vetches where there is an abundance of hares."

The following passages from Mr Pusey's evidence puts the nature and extent of damage by game beyond question:

"7516. Are those things which are now important, in the manner in which farming is conducted at present, vetches and carrots? Carrots are an article of very minor importance; but I should say that the injury done to wheat on light land during the winter is very severe; and I could give other instances. In summer, too, the hares injure it considerably. The effect of the biting down in the winter, I believe, is, that it grows up again; but it tillers out on the sides, and as I understand from farmers, those ears are very weak, and they grow to a late period in the autumn, and are very apt to become mildewed. Then in the summer the hares gnaw paths for themselves (probably that has been already described to the Committee), as if they were driving tunnels through the wheat; they gnaw themselves paths about the wheat, and they seem to

gnaw the wheat for their own amusement a good deal. But I have a strong case now of injury to wheat, which occurred only two years ago. A tenant of mine came to tell me that he must give up his farm; he was a very improving tenant indeed. I asked him why; he said the injury which he received from the game was such that he could stand it no longer. There was a piece of 60 or 70 acres of wheat, and he told me that it had been completely fed away by game from a neighbouring cover, and he asked me to go over it; I did so; and I can state positively to the Committee that half of that field I should not have known had any crop at all upon it; this was light land. I said to the tenant that his loss should be valued, and I paid him the loss; I think it was valued at about £40; but I doubt very much whether that by any means covered his loss; he said himself that he lost about a quarter per acre.

"7517. Was that game preserved in a cover of yours? In this instance the cover belonged to a neighbouring gentleman. This tenant had received already from me a power to destroy the game on his farm, and he had been destroying the rabbits during the whole of the autumn; he had power to destroy hares and rabbits both, but he told me he was quite unable to stop them.

"7518. He had been unable to keep the game down sufficiently to prevent this injury? He had had unlimited power during that time to destroy game, but he had been unable to do it."

A circumstance which made a strong impression on Mr. Pusey's mind was, that his gamekeeper, who had three or four acres of land near his house in the covers, after cultivating it for eight or ten years, said at last that he must give it up, "because it did not pay him; it would ruin him;" and this induced Mr. Pusey to consider what was the case of the keeper's neighbours round the covers. The injury to this man's land, "which he held rent free," was so much that he gave up the land. When he first took it he said "he did not mind the rabbits and hares having a share of it," but after ten years he gave it up. Since game preserving had been given up, "land round the covers, which had produced nothing before, had become extremely productive." With the following additional extracts from Mr. Pusey's evidence as to the wandering character of game, and some reference to evidence given by game preservers, your Committee will close this branch of their Report.

"7541. Would a farmer keep fewer sheep in consequence of this effect produced by the game upon the grass? I do not think that the staining of the pasture is a very material point; I mention that incidentally; but I have no doubt that the injury generally to the farm would diminish the flock of sheep. Members of the Committee may often have seen a field of turnips or Swedes perfectly white in consequence of the rabbits and hares, and I imagine that when the hare has begun, and has wounded the turnips, they are much more liable to be destroyed by frost afterwards. Then the hares prevent the growth almost of winter vetches, which are very important for sheep, and young sainfoin and also clover, which must suffer also from that cause. I have no doubt that an extra-

ordinary quantity of hares must very much diminish the food for stock.

"7542. That is food much more in use now than formerly: it is more the practice to feed stock upon farms than it was formerly? Clearly. I should wish to observe that it has been often asked how many hares were equivalent to one sheep upon a farm, but that appears to me to be a perfectly unjust view of the question; if you had a score of hares folded like a score of sheep on any part of the farm, they would eat all they could find, and it would be but a small loss; but the question is, what the loss would be if the sheep were allowed to wander over the whole farm and help themselves where they pleased. If you put the case of a single animal coming into a kitchen garden, if any one had the right to turn a sheep loose in a kitchen garden of five or six acres, and help himself where he pleased, it is evident that you could not measure the injury to the garden from the mere amount of food that a sheep would consume under ordinary circumstances: then the annoyance to the farmer must be very great.

"7543. That is the reason why game do more harm than the same number of sheep? Yes. I say that even if you ascertain that three or four hares do not eat more than one sheep, you could not estimate the amount of injury to a farmer by the food eaten by an equivalent number of sheep, because the hares are allowed to help themselves and to go everywhere where they ought not to go; and independently of that, the positive loss, the annoyance to a farmer who has cultivated his land upon improved principles, is very great. It may be a question, upon certain kinds of soil, whether it is an injury or not to wheat to be fed down; but still, as a farmer myself, I should like to have to decide upon it myself whether I would have my wheat fed down. I have 60 or 70 acres of wheat at this moment, and I should not have liked any one to have had the power last December of saying that my wheat would not be at all the worse by being fed down, and turning a flock of sheep over it, and making the ground as bare as this floor. It is a degree of interference with a farmer's crop; and where a man has been taking great pains with his land, and spending a good deal upon artificial manure, and endeavouring to grow good green crops, it must try his temper very much, and I do not wonder at the farmers being a little out of humour sometimes upon the subject, because I should have been so myself.

"7544. Is it the invariable practice to turn in a flock of sheep to eat down the young wheat? On the contrary; it is one rarely resorted to.

"7545. And done deliberately when it is done? Clearly.

"7546. The distinction you take is, that there is no option allowed to the farmer when his neighbour's hares come in and eat down his wheat; he is not consulted as to whether they shall do it, or to the extent to which it shall be done? Exactly; it must be a subject of great annoyance to a farmer to feel that when he has done his best to grow the best crops he can out of his land, he

is liable to have them constantly disfigured, if not seriously injured.

"7547. As a practical agriculturist you object to that mode of having your young wheat eaten down at all? I believe that on light land it cannot be done without injury."

The witnesses examined in support of the game laws were landowners and preservers of game, magistrates and chief police constables, and superintendents and gamekeepers. With few exceptions, none of them had much practical acquaintance with husbandry. The scope of this class of evidence was to show that poaching might, to a great degree, be prevented by a sufficient force of gamekeepers and gamewatchers; but that unless game is very strictly watched, and by a number of watchers proportioned to the extent of the preserve, the protection of game was difficult, and the cause of much local disorganization. The tenor of the evidence of these witnesses has convinced your Committee of the accuracy of Mr. Pusey's opinion, that game has in the cultivated district ceased to exist as wild animals, and that where preserved at all, it is solely maintained by artificial means. No one seems to have carried out the system of artificial rearing and preservation of game upon a limited extent of land further than Colonel Thomas Challoner, who resides at Portnall Park, near Virginia Water, in Berkshire, is an active magistrate, and preserves game rigidly upon his own property of about 1,000 acres. Colonel Challoner is also fond of husbandry, and he incidentally stated a circumstance which proves game preserving and farming to be incompatible pursuits. He was asked (1613), "What number of keepers and assistant keepers have you?" and he replies, "I found there was always a difficulty between my bailiff and my keeper; that the two things did not go on well together, inasmuch as if your crops were not good you found fault with the keeper, and if the game was not plentiful you found fault with the bailiff; therefore I united the person of keeper and bailiff, and have assistants in each department." And then he adds, an explanation of his requiring little night-watching of game, "Allow me to state, that since I have been breeding game and killing down early in the year, that is before Christmas, I have found much less occasion for having people out at night;" and he accounted for it in this way, "that breeding them tame, I have certain coops with three hen pheasants and a cock in each coop, and I breed the eggs myself, the same as I would have poultry, that is, all hatched under hens and taken out in coops into the fields. Then I do not require a large head of game for breeding the following year, so that I kill down generally before Christmas; and in that way I find there is very little or no injury to my crops." This is a system obviously inapplicable to hares and rabbits, the kinds of game at present most complained of, and does not differ much from the plan of rearing the wilder kinds of domestic poultry. Colonel Challoner admitted that if his land had been a tenant's lands, there would probably have been complaints of damage by hares and rabbits. Another witness favourable to game preserving, and who is a prac-

tical agriculturist as well as a game preserver, was the Hon. H. W. Wilson, who detailed his experience as the manager of his uncle's, Lord Berner's, estate in Norfolk, which in 1837 came into his own possession. Mr. Wilson gave in evidence, that in 1837 the produce of wheat on about 2,000 acres of land was 193 coombs, which by 1837 had advanced to 418 coombs, and in 1840 to 1,080, and that increase occurred coincidentally with the preservation of a large quantity of game. Mr. Wilson being asked (5229), whether the land was farmed in the same course, said, "We altered our course, which made a difference; it was the better system of farming and the altered course which produced the greater quantity of wheat. In 1837 the quantity of wheat grown was 418 coombs; in 1838, 757 coombs; in 1839, 951; in 1840, 1080 coombs; that difference was from claying part of the land which had never before borne wheat; it produced this great result in those two years." There was likewise a progressive increase in the profit derived from sheep and cattle. The game, also, upon the whole estate that was let to tenants, as well as that in hand, yielded a profit to the proprietor of about £400 a year. Mr. Wilson stated nothing to rebut the inference that the increase of produce, the result of improved farming, would have been still greater had the game not been preserved. Your Committee, moreover, consider this case differs widely from that of a tenant farmer who has no control over the game kept upon his own farm. The landed proprietor inproving a part of his own estate by his farming, merely devotes to that purpose some portion of his income, and should it fail to be a profitable investment, such a result will not materially affect his comfort or impair his resources; besides, he has at any time the absolute power of destroying altogether or lessening his stock of game, should he find it inconvenient to him in his farming pursuits. Game preservers, too, are passionately attached to game, and will, therefore, the more easily overlook the injury their crops may sustain from game. The farmer, on the other hand, when undertaking improvements, does so with the expectation of profit, and a failure in attaining that object is to him a positive loss of capital, and to that extent throws him back in the world, lessening the prospect of obtaining that competence it is the object of agricultural capitalists to obtain.

Your Committee has in evidence the following particular instances of damages to farmers' crops by game, by witnesses of great respectability. Mr. William Bates, on Luton Park Farm in Bedfordshire, received an award of £118 13s. 6d. for damage done to 30 acres of wheat. Mr. Edward Davis Hodding, a farmer of Odstock, near Salisbury, in 1844 had 45 acres of wheat damaged to the extent of £172, and a further injury done to his tares and young grass, on which the valuers did not put a money value. The same witness stated, that in the four years previous to 1845 he had lost about £160 on his wheat and barley land alone. This amounted to an average of £115 a year, and was independent of injury sustained on turnips, loose corn, and green crops. Upon this witness's farm

his local taxation, including poor-rate, county-rate, highway-rate, church-rate, and income-tax, amounts to between £60 and £70., or little more than half the yearly loss sustained from the landlord's game.

In 1845, the witness's loss was stated by the same valuers to be much greater than that of the preceding year.

Mr. John Bell, who occupies about 900 acres of land at Brickworth, near Salisbury, Wilts, stated that the damage done to his growing crops by game in 1844, had been valued at £416 8s., and this loss was sustained on 223 acres only, and he estimated the injury to his root, green, and grass crops at £200, making a total loss of £616 8s. on about 900 acres of land in one year.

Mr. William Henry Blatch, a farmer and land valuer, living at N——, near Basingstoke, in Hampshire, stated that he had valued the damage by game on the farm occupied by Mr. Wilkins, of Farleigh Wallop, under Lord Portsmouth, for three successive years, and the average loss was about £150 a year. The same witness mentions various other instances of considerable injury to farmers from preserves. Mr. Edward Saunders, who occupied the Dean farm, near Cranbourne Chase, Dorsetshire, the rent of which was £254, and the damage to the corn crops alone amounted, in some years, to £200, and the average damage for several years was £150; this witness left the farm solely because it was so much overrun with game, and had taken another of inferior land, but which was free from game.

Mr. John Shittler, of Bradford farm, in the parish of Winborne, whose farm is surrounded by woods and game preserves, but who has the control of the game upon his own farm, stated, that when he first occupied the farm his crops were greatly injury by game. In 1837, his loss from game on nine acres of wheat amounted to £102 3s., and 17 acres of Swedes were injured to the extent of 35s. per acre. In 1844, he lost on three acres of barley, near one of his neighbour's covers, £17 2s., and he proved that the tenant on Deans Lees farm suffered damage in the year 1844, amounting, according to valuation, to £163 on 80 acres of wheat and 90 acres of turnips, besides damage of lenten crops, clover, tares, and loss of manure. Mr. Sturt, the landlord of this farm, sells rabbits from his estate to the amount of £300 a year.

Mr. James Chambers, of Beachamwell, Norfolk, who occupies two highly-preserved farms under Mr. Spencer Cowper and Sir Richard Lutton, consisting together of about 6,000 acres of poor land, considered his loss, in 1844, to be nearly 1,000. Yet the witness stated that he gave the full rent the farms worth if there had been no game.

Mr. Samuel Lock, of Barton Beadish, near Stoke Ferry, Norfolk, occupies 460 acres, land on which the game is reserved, and let by the landlord to a neighbouring gentleman, who rigidly preserves.

In 1843, the game damaged 6½ acres of mangold wurzel and 27½ acres of barley to the extent of £14 10s. In 1843, 6 acres of man-

gold wurzel and 11½ acres of wheat were injured, £11 11s. 3d. In 1843, the injury amounted to £163 on 24 acres of wheat and 22 acres of barley; the green crops near the cover were also damaged 10s. an acre.

Mr. William Sewell, of Caldecote, near Swaffham, who occupied two large farms near Brandon, Norfolk, at the rent of £1,024, on which the damage by game for one year was valued at £700, and this was on 700 acres only. And this witness was under notice to quit his farm—own farm, rented from Sir Henry Bedingfield, and on which he had sunk a large capital, because his landlord wanted to let the game to game preservers.

Mr. John William Cooper, of Higham, near Bury St. Edmunds, Suffolk, an occupier of upwards of 1,000 acres of arable land, who entered upon his farm with a distinct but verbal agreement, on the part of his landlord, that he should not be injured by game, had nevertheless sustained great injury from game. In November 1844 he had 30 acres of wheat so injured by partridges and other winged game, that he ploughed it up, incurring thereby the total loss of all the cost of preparing for and sowing this wheat crop; the net loss was £420. The land was sown with turnips in the spring. He had another field of wheat, 25 acres, which was so eaten down by hares and rabbits during the severe winter, that it produced only half a crop. This witness stated that his direct local taxation amounted to about £111 a year, and that the loss he suffered yearly from game amounted to fully double that sum. He pays a full rent for the land, as much as it is worth had there been no game. His landlord is a gentleman passionately addicted to game preserving, so much so, that he had, at the time the witness was examined, two considerable farms on his hands, which he wished to let, but was unable to do so from their being greatly overrun with game.

Mr. William Marris, of Rucklands, near Louth, Lincolnshire, in 1839, occupied a farm of 740 acres, near Brigg, under the Duke of Newcastle, for which he gave the full value of the land, without reference to game, and also had a verbal promise that the game should not injure him, soon found himself so seriously damaged, that he embraced the first opportunity of leaving the farm. In 1843, his loss upon a field of 23 acres of wheat was estimated, by a competent and respectable valuer, at eight bushels to the acre, amounting in value to at least £150. He received much injury from game on other parts of the farm, but selected that field as the worst, with the expectation of obtaining from his landlord some compensation; compensation was, however, refused. He estimated the game damage over his whole farm at 5s. per acre, or £185 a year, while his total direct taxation, including tithe, did not much exceed £100 a year.

Mr. Thomas Bennett Sturgeon, of South Ockenden Hall, Essex, a farmer occupying 660 acres, suffered game damage, in 1841, on a field of 30 acres of wheat, to the extent of 79 quarters, which, at the price of that year, amounted to £260. In 1843, the injury by

rabbits to 18 acres of wheat was valued at £55 2s. Since 1841, he estimated the damage from rabbits alone at £98 a year.

Mr. William Everall Hobson, a farmer, of Kettleby Thorpe, in Lincolnshire, gave evidence of a valuation of game damage he had made upon a farm of 500 acres, occupied by Francis Nicholson, of Appleby, near Kettleby Thorpe, which showed a net loss of £240 9s. in the year 1844; there were seven acres of wheat totally destroyed by the game. The witness had gone over the farm at four different seasons of the year, to observe the crops in each stage of growth.

Mr. Alexander Gordon, a farmer, occupying 220 acres near Broseley, in Shropshire, who was deputed by the Wenlock Farmers' Club to give evidence before your Committee, produced valuations of game damage upon several farms in his district. On his own farm, in 1841, his loss, as valued, was £239 17s. on 34 acres of land; in 1842, the loss on 10 acres was £65; in 1843, 12 acres of barley were damaged to the extent of £15; and in 1844 and the winter of 1845, the damage amounted to £114 3s.; and these sums do not represent the full amount of injury suffered on the farm from game. In another instance, Mr. John Onions, of Stanley farm, near Broseley, was injured to the extent of £122 14s.; this was in 1842. In 1844, the injury on the same farm was greater. Mr. Geary, on Laughley farm, lost £517 by game damage in seven years; and Edward Owen, the succeeding tenant, had likewise been greatly injured.

On Inett farm, in the same neighbourhood, containing 200 acres, the damage by game amounted, in 1842, to £121 19s., besides the loss of straw, estimated at £40 more. Several of the tenants in this district had been totally ruined by the game. As a proof of the extent to which preserving game is carried on this property, the witness stated that he could frequently in an evening count in one field of 12 acres on his farm from 45 to 50 hares. He was also much overrun with rabbits, which his landlord, Lord Forester, promised to destroy, but did not.

Mr. William Woodward, of Pirton, near Kempsey, in Worcestershire, who holds 500 acres, as yearly tenant, under the Earl of Coventry, and 200 acres more of his own land: in 1844 he lost £200 by game on Lord Coventry's farm. He also stated the amount of injury done to other farms in the neighbourhood. Mr. Watson, of Spetchley, had the damage of 100 acres of corn in 1844, valued at £120. Mr. John Woodward, of Pixham farm, had lost 60 bags of wheat per acre on 30 acres, and he had five acres of vetches totally destroyed. Mr. James Bullock, of Besford, on 13 acres of barley, had 100 bushels destroyed by game, and that he loses £50 a year from game.

Mr. Thomas Bullock, of Pirton, estimates his yearly damage from game at from £60 to £70 a year. And Mr. Henry Bullock, of Caddy Croft Farm, in Pershore parish, on a field of wheat, which should have grown 10 bags per acre, in 1844 had only two bags per acre. Three or four years previously he had only 10 bags of

wheat on the whole of that field containing 10 acres. This destruction was caused chiefly by rabbits.

Mr. Badger, on an adjoining farm, also values the damages he yearly sustains from rabbits at £50. Only one of the above witnesses received any compensation for damage by game.

Mr. William Gaumley, a land surveyor and farmer, resident at Bakewell, in Derbyshire, however, had for 13 years, commencing in 1833, valued the game, in conjunction with another valuer, on the Duke of Rutland's Derbyshire estates. The Duke of Rutland is accustomed to make compensation to his tenants for damage done by game. The estate consists of 3773 acres, and the damages were valued on such parts only as bear corn, nothing being given for injury to turnips, lintels, clover, seeds, meadows, or pastures. There are only 400 acres of arable land on the whole estate; and the damages being £694 in 1840, £433 in 1842, and £916 on a valuation extending only over 389 acres, in 1844, show an enormous loss upon the grain crops. This witness laid before your Committee the precise details of his valuations, and expressed his decided opinion that the valuations did not, and could not, cover the whole of the tenants' losses from game, notwithstanding the liberality of the Duke of Rutland in paying for damage, a course most unusual on the part of game preservers. Two tenants had quitted the estate in consequence of the game. In one instance, of the Widow Shaw, who occupies one of the Duke of Rutland's farms, the year's damages were valued at £128, the extent of her whole farm being only 124 acres. Her rent was about 30s. an acre.

Mr. John Landale, a surveyor, near Kirkcaldy, in Fifeshire, had valued damages on six farms of Captain Wemyss, for 10 years, and the loss on 1059 Scots acres was in 1841, £655 5s. 6d. Mr. Landale discontinued to value after 1842; but he was informed by Mr. Melville, the present valuer, that in 1844 the damages on the same lands amounted to nearly £1000. Your Committee have deemed the above summary to be important to be stated; but the details, as stated in the examinations of the witness, illustrate the extent and manner of damages caused by game even more forcibly.

Your Committee, therefore, are unable to resist the conclusion, that having regard to the influence of game upon agriculture and the prosperity of farmers, game preserving, in the present state and cultivation of the country, is injurious, and ought not, at all events, to receive any encouragement from the legislature.

Mr. Pusey expressed a decided opinion that the preservers of game should be made liable in an action for damages for injury done to their neighbour's crops by their game, and that there would be no great difficulty in proving to the satisfaction of a jury from what preserves the game complained of had come. It is proper your Committee should notice that Mr. G. Berkeley, in his evidence, laid great stress upon an opinion he entertains, that winged game, by destroying insects, benefit the farmers' crops in a greater degree than they are injured by hares and rabbits; and that in this way game preserving is rather beneficial than otherwise to the farmer.

This opinion, however, appears to be purely speculative, and is altogether contradicted by the direct testimony of all other witnesses, whether favourable or otherwise to game preserving, whose practical knowledge of husbandry, or the habits of game, enable them to offer an opinion upon the subject.

3. The effect of game preserving in creating misunderstandings and irritation between landowners and their tenants, was frequently and forcibly brought under the notice of your Committee. It appears almost an invariable custom on all estates of any magnitude, to reserve the game and the right of preserving it to the landlord, whether the landlord be a game preserver or not; and thus many tenants who on taking their farms have thought nothing of game, and made no stipulations or calculations on the subject, have found themselves, either from the owner becoming a game preserver, or from the property passing into the hands of another proprietor, or from the game being rented by a stranger, great sufferers from damage by game for which they have no right to compensation; the landlord having reserved the game points to the existing contract, and the legal answer to a tenant's complaint of damage is complete. But although there is often much complaint of damage, made by tenants to the landlords, or more frequently to their agents, by far the larger number of farmers make no formal complaints. They know that the landlord is so passionately attached to his game, that he is rendered indisposed to listen to any complaints upon the subject, that the gamekeepers furnish all kinds of suggestions that the injury has been occasioned by something besides game, and farmers dislike to be considered grumblers; still they are greatly dissatisfied. Though the game-preserving landlord may have had no complaints laid before him, the evidence offered to your Committee by the practical agriculturists proves that he would err greatly in presuming, from the absence of complaint on the part of his tenants, that they are not injured and annoyed by game. The more enterprising farmers often quietly look out for other farms; and those who cannot conveniently change, suffer in silence. Both Lord Hatherton and Mr. Pusey mention this point. The former, having stated that since he had given up game preserving a better class of tenants had offered themselves for his farms, with whom the absence of game, from experience on preserved estates, formed a principal motive for wishing to live on his Lordship's estate, was asked (7275), "May we infer from that that it is a prevailing opinion among farmers that game does them extensive damage, and that it makes a great difference to them in the terms on which they engage with their landlords, whether the game is destroyed, or whether they have the power of destroying it?" And the reply, "I have not the remotest doubt of it. I know that nothing is more common than for large landed proprietors, who are extensive game preservers, to say, 'My tenants are a capital set of fellows; their fields are covered with game; they never make the slightest complaint;' but I have known those same tenants give a different account of their feelings to others; and

there can be no doubt that there is a general repugnance on the part of the tenantry of the country to have their farms largely covered by hares," is a very accurate summary of the opinions offered to your Committee on the same point by tenant farmers. And Mr. Pusey adverts to this topic, and to the question (7576), "Can you say from your own experience that country gentlemen, and particularly those who preserve game, are aware that this feeling does exist among the tenantry with respect to game," replied, "As between landlord and tenant, I must say, that I think the tenants generally behave very liberally towards their landlords; that they do not complain of game unless it abounds to an excess; and, therefore, I do not think that country gentlemen in general are at all aware of the injury arising from game to the tenants, because the tenants are slow to complain.

And again (7577), "Do you believe that tenants generally, when they are among themselves and at their ease, ever differ in opinion upon the matter that game is a great injury to them as farmers?" My belief is, from what I have heard from farmers in different parts of the country, that they consider game as a most serious evil." (7578.) "But, from the reluctance which they feel to complain of any sport in which their landlords wish to indulge, the landlords are not acquainted with the extent of the grievance? My opinion is that the tenants do feel injury from game, but they are unwilling to interfere with their landlords' amusement, and, to a certain extent, they like to see their landlords following their amusements upon their lands; but I am certain that there is a growing feeling of the serious injury arising to farming from game.

In many cases the tenants who are injured by game have some difficulty in laying their complaints before their landlords. Of this an instance is given in the following evidence of Mr. John William Cooper, a farmer of Ingham, near Bury St. Edmunds, in Suffolk:

"9632. Have you had any disagreement with your landlord? I have had none with him.

"9633. Have you had any disagreement with anybody upon the land? I have represented my grievances to his land agent, in a firm but in a very respectful manner."

"9635. What reply did you get? The reply I received was, that he has no power or authority over the game; it rests with the head keeper, to whom I was referred.

"9636. Have you made an application to the head keeper? I have.

"9637. What answer did you get from him? That the quantity of game is no more than the usual quantity; and he is very sorry that I do complain, but he has no instructions to destroy them.

"9638. Is the game let upon that estate to anybody? No; the landlord is a resident gentleman, who kills it himself.

"9639. Have you made any representation direct to your landlord? I have not had an opportunity of seeing him; and we are requested on the estate not to trouble the landlord, but to mention our complaints to his agent."

Nearly all the practical agriculturists examined before your Committee speak of game as being, directly or indirectly, the principal source of the unpleasant feelings which sometimes exist between landlords and tenants. Some tenants, who have not had much experience of the damage caused by game, submit to have the game and right of sporting reserved to their landlords, without remark or negotiation upon the subject; and when they afterwards find their crops suffer from the game, they become irritated and uncomfortable, whether they disclose their irritation by actual complaints or not; while their landlord feels that the tenants have stipulated for the reservation of game, and suppose, therefore, that no complaints ought to be made, or where no complaints are made, that no dissatisfaction exists. In other cases, the tenant, on entering the farm, either desires to obtain complete control over the game, or in some way or other to protect himself against injury from its preservation. Such efforts are usually met by promises on the part of the proprietor, or more frequently of his agent, that although the game is reserved the tenant shall not be injured. Sometimes rabbits, or hares, or both, are promised to be kept down, while sometimes there is a mere general assurance that the game shall not become so abundant as to produce injury to the tenant. But all the evidence goes to show, that in no instances are such verbal arrangements satisfactory to the tenants, who find themselves subjected to a degree of loss they never anticipated. These losses are in many instances so obvious, that the proprietor consents to pay sums at which damages by game may be valued. Neither party, however, is content with such valuations. The landowner deems the sum too large, while the tenant considers himself to have had no sufficient compensation for his losses. It appears that some preservers of game allow their gamekeepers the rabbits as perquisites, and this is stated to be a plan which leads to great mischief; but even where the keepers are forbidden to keep a stock of rabbits, they usually do so, and indeed it would seem to be difficult to destroy one kind of wild animal effectually while the other species are preserved. The measures necessary to destroy rabbits during the spring and summer months, which is the proper time for completely extirpating them, are inconsistent with the preservation of birds of game, which during those months are hatching and rearing their young. And where a farm is surrounded by or contiguous to woodlands or covers not in the tenant's possession, although he may have liberty to destroy rabbits on his farm, he can never do so effectually while they are permitted to breed in the adjoining woods.

The constant intrusion of gamekeepers and gamewatchers upon the land is a considerable source of annoyance to the farmer. Thus Mr. Nowlson (667), in answer to the question, "What is the effect of game upon the character and independence of the farmers as a class?" said, "Where it is preserved to a great extent, and they are watched by keepers, a man will not occupy a farm who has the means or opportunity of getting another." Another witness, Mr.

Bell, said that he was told by his landlord that the use of a gun upon the farm to destroy the rabbits annoyed the gamekeeper, and that in consequence the witness put his gun down for some time. This was because the keeper's house was two miles from the upper end of the farm; and when the witness was shooting there, the keeper had to walk that distance to see who was shooting. The farmer's sons or his servants are often involved in disputes with the keepers because a gun is carried or discharged on the farm; the mere sight or sound of a gun creating much jealousy on the part of the gamekeepers. Dogs kept by farmers are also objects of dislike and jealousy to gamekeepers; and cats are so frequently destroyed, that some of the witnesses on farms where game is much preserved have found it difficult to keep cats at all. The landlord sometimes requires the tenant either to tie up or part with his dogs.

In some instances farmers are prohibited from managing their business in the most advantageous manner, because it might interfere with the preservation of game. Mr. W. Sewell stated that himself and the other tenants of the estate upon which he farms are required to reap and not to mow their wheat and rye, so as to leave a high stubble, and that stubble is to be left from harvest until the 10th of October. For that period, which constitutes the third part of the summer, the farmers can neither turn their cattle, sheep, nor pigs into the stubbles. They are also restricted from cutting furz and ling, except at certain seasons of the year; and then they are obliged to apply to the gamekeeper to know where they are to cut it. Your Committee remark that these annoyances, being of constant and daily recurrence, produce a degree of irritation on the part of the tenants, upon the subject of game, which the landowner, not being fully aware of the character and extent of the evil, is apt to attribute to captiousness, and therefore to receive favourably the assertions of his gamekeepers, that the tenants' complaints are not well founded. Though some of the witnesses speak of deductions from rent by reason of game preserves, the balance of testimony goes to show that, in practice, land is not usually let for lower rents on account of the reservation of the game to the proprietor, and that even where game is known to be much preserved.

The Honourable H. W. Wilson stated that he lets his farms at rents 10 per cent. less than the actual market value, on account of his preserving game; and he gave it as his opinion that the farmers preferred that deduction of 10 per cent., with the reservation of game by the landlord, and its strict preservation, to having a complete control of the game, and paying the addition of 10 per cent. upon the rental. Mr. Wilson's opinion appears to have been founded upon this circumstance, that, having lately heard complaints from his tenants of the number of hares upon their farms, he told them that if they would give him 10 per cent. more rent, they might kill all the hares; and that the tenants declined that offer. That particular instance your Committee conceive to be open to these observations: it is directly contrary to the opinions

expressed by all the tenant farmers or land-agents examined before your Committee; and the deference tenants are known to pay to the wishes of their landlords with respect to game, notwithstanding they suffer severely from game depredations, will fully account for the refusal by Mr. Wilson's tenants to accept an offer, not made deliberately, but under the influence of irritation. The tenants probably did not consider the offer to be one the landlords would be pleased to have had accepted, as the offer itself merely went to the power to destroy hares, while Mr. Wilson was still to retain his exclusive right to all other kinds of game, and to keep up an expensive system of superintendence and watching for its preservation. Mr. Wilson also stated "he had not had a complaint for years, till after one or two farmers in his neighbourhood had been examined before this Committee, and they then came and said they had too many hares, and they hoped he would kill them;" and it was in answer to that application that the offer Mr. Wilson states to have been declined, was made. Your Committee doubt whether this instance affords any test of the real opinion of Mr. Wilson's tenants. The testimony of Lord Hatherton and Mr. Philip Pusey, before referred to, shows the great satisfaction with which tenants regard the unconditional abandonment of game preserving by their landlords, and fully confirms the evidence given by farmers on the point. Mr. Pusey said, he should think 20 per cent. not too large a deduction from the rental where game is highly preserved. A Mr. George Turner, the agent of Mr. Shelley, of Maresfield, in Sussex, who was examined for the purpose of displacing the statements made before your Committee by a tenant of Mr. Shelley as to damage done to game upon his estate, expressly admitted that 25 per cent. from the rent that the tenant actually paid would not be too much compensation for the injury he sustained from the game. Mr. Turner was asked (6165), "Do you think that you would be justified in taking a farm like this at £75 a year with hares and a large stock of rabbits, when you would pay for that farm £100 a year if you had the undisputed right to take all the game?" and he replied, "Yes; I should rather give £100 and clear the game." The Earl of Malmesbury also stated, that he let his farms at 8 per cent. less than the market value, by reason of his strict preservation of game. His Lordship said his tenants, whom he admitted to be bad farmers, with insufficient capital, were not dissatisfied about game.

The losses from game, independently of their peculiarly vexatious nature, are in most cases an absolute loss to the tenants; the gratification, and in some instances the pecuniary profits enjoyed by the landlords, are so enjoyed at the expense of their tenants. Instances were mentioned by witnesses in which the landlord sells the game and rabbits to a large extent. The tenants feel that the landlord has the game without expense to himself beyond the cost of his keepers and watchers, and the small quantities of food which are occasionally provided for the game in the proprietors' woods; but they complain reluctantly, and complaints, which are often well

known to keepers, agents, and other persons employed by the landlord, do not reach his ears until the game has got to a great head, and the damages to the tenants have become serious.

It was much pressed upon the attention of your Committee, on the part of game preservers, that farmers sometimes let the right of sporting over their own farms, and that many tenants, having the control over the game, keep a considerable number of hares or other game for their own amusement; indeed, most of the farmers examined by your Committee stated that they were ready to maintain a certain moderate stock of game upon their farms, and would feel pleasure in providing some sport for their landlords. But your Committee think that, with the exception of partridges, the quantity of game farmers who farm highly do maintain, or would willingly maintain, would bear a small proportion to the head of game kept upon a preserved farm under the present system; and that, except in open districts, the preservation of wild animals would soon be found quite inconsistent with high farming. All the farmers examined state that unless they have the power of determining what quantity of game shall exist upon their farms, they can never be protected from damage. The witness, Mr. J. S. Nowlson, who stated that a difference about game was the indirect cause of his leaving his late farm, had rented the game from his landlord, who wished him to give it up again, that the right of sporting might be let to a friend of the landlord's. This the witness refused to do, although he let the game, subject to certain restrictions, which gave him the power to prevent excessive preservation, to the same gentleman to whom the landlord wished it to be let. Since the witness left the farm, a new tenant has taken it, from whom the game has been reserved; and the same gentleman who rented the right of sporting from Mr. Nowlson now hires it from the landlord. The consequence has been, that the new tenant's crops were much injured by game. So another witness, Mr. E. D. Hodding, who gave evidence of the injury he had sustained from game, was asked (3496), "Would you consider the question satisfactorily settled if you had a clause giving you compensation for damage, or would you prefer having the game entirely in your own hands?" replied, "I do not care about the shooting myself at all, but I should like to be able to keep the game down." And again (3502), "Do you think it a wise or an unwise thing for a man with capital and in independent circumstances to take a farm where he has no control over the game? I do not think it a wise thing."

Your Committee believe, that where the harmony which ought to subsist between the landowner and his tenants has been interrupted, game will in most cases be found to have been the cause, indirectly or directly.

Where the game is reserved by the landlord and let to another person, who preserves it, the evil is greatly aggravated: the tenants are less anxious to accommodate a stranger, and the game renter has no sympathy with the tenants.

An instance was mentioned by one of the witnesses from Hampshire, where the farmers wished to hire the manor and a mansion, which they offered to keep well aired and in good order, solely to prevent a stranger from hiring the game and preserving it. The proprietor, however, refused to accept the offer. Another witness, from Norfolk, also stated that the farmers on the estate on which he lived had offered their landlord to pay him the same rent received for the game from a gentleman who hired the manor, although they considered that they before paid the full rents for their farms. They wished to buy up a right which occasioned them serious injury. Their offer was not accepted.

The necessity of taking out a certificate before a legal right can be obtained to kill the game on their own farms, is felt to be a grievance by the smaller occupiers who have the right to kill the game on their farms, and by many proprietors. Holders of land in the vicinity of preservers cannot protect themselves against the invasions of game from the neighbouring preserves without a certificate.

4. A great portion of the evidence offered to your Committee had reference to the effect of game preserving and the game laws upon the condition of the working population in the rural districts; and your Committee cannot avoid the conclusion that great demoralization is the consequence of game preserving. There is a recognized and wide distinction between game and other property, so much so that the working class regard poaching or the illegal destruction of game as no moral offence, and all other classes look upon it as very venial. Farmers or other persons not employed in preserving game seldom voluntarily give evidence against poachers as they would do against other offenders. To this even the preservers of game scarcely form an exception, as it is not uncommon to make a man who has been a poacher a game watcher or keeper. Game preserving has a tendency to prevent the employment of labour in farming, and in preserved districts there are commonly at certain seasons of the year many able-bodied labourers out of work. To such men, the swarming game preserves offer a temptation almost irresistible. There are always persons resident in the vicinity of preserves to whom game can be disposed of with facility; and the produce of a successful poaching adventure in a single night is often greater than the wages of many weeks. In districts greatly abounding with game there are frequently persons who, without going out themselves, in a manner hire the unemployed labourers to poach for them, furnishing them with guns or other engines for taking game, and purchasing the game when taken. But although the working men are undoubtedly induced to become poachers by want of employment, inasmuch as your Committee find the number of offenders against the game laws is increased when employment is scarce, and lessened when there is a greater demand for labour, it is distinctly proved by the evidence that the love of adventure and sport is the motive which induces perhaps the largest proportion of men who become poachers to commit

their first offences against the game laws. The same passion for sport which animates the game preserver leads the poacher into his perilous course of life. All the witnesses describe poachers as men of shrewdness and activity superior to the average of the class of agricultural labourers; and labourers who are addicted to occasional poaching are commonly men capable of being the best workmen. But whether the working man is first led into poaching by distress or by his love of adventure, the consequence is, that he becomes a person of irregular habits, poor, and negligent of his family, if he has one, and comparatively ineffective as a labourer. Few poachers long escape conviction; and when once convicted of poaching in a preserved neighbourhood, the labourer is a proscribed man: preservers will not employ him, and the farmers would rather not do so, for two reasons; first, because the farmer's employment of a known poacher is not regarded with favour by his landlord; secondly, the man, from his habits of irregularity, usually becomes an inferior workman. When once, therefore, a labouring man has been convicted of poaching, he is almost impelled by necessity to repeat the offence. If he has been imprisoned, he finds his family in a state of the greatest destitution; and if by any means he continues to pay the fine imposed, he is loaded with a burden of obligation which it is nearly impossible, as a mere farming labourer, he can ever discharge. Therefore, even where the convicted poacher can obtain employment after his conviction, the pressure upon him to revert to poaching for relief seems almost irresistible. It has been proved before your Committee, that men once convicted of poaching seldom abandon the practice and become steady labourers, but that they far more commonly go on to infractions of other laws, until they become confirmed criminals. Nearly all the witnesses state it as their opinion, that poaching is the first step in the career of a rural criminal; and from the large proportion which offences against the game laws bear to other offences in the agricultural districts, your Committee cannot resist the conclusion that a very considerable portion of the crime of those districts must be traced to game preserving.

Mr. Pusey mentions that at the time he preserved game there were several poachers on his property, men who had no ostensible means of earning a living, and who very seldom went to work; and that since he had given up preserving, most of those men had gone to work, and are now regularly employed. One of Mr. Pusey's own tenants told him, after he had given up the preservation of game, that he could have no idea of the amount of idleness which was produced in highly-preserved parishes; and he gives as his decided opinion that the general abolition of game preserves would be of great benefit to the labouring classes.

The same witness also says, "that the preservation of game has a bad effect upon the relation of the country gentlemen and the labourers."

That "the labourers feel themselves, in a certain degree, objects of suspicion wherever game is strictly preserved. They feel that

they cannot take their walks about the fields or the woods without being stopped, and their motives called in question." His own observation had led him to the belief, "that since he had done away with game his labourers had a more frank and open feeling towards himself, and that the relation of the landlord and the labourer would be improved by the abolition of this constant source of suspicion and collision between them." Some stress was laid upon the circumstance that landowners who preserved game incurred considerable expense and employed labour in so doing; but the testimony of agriculturists clearly shows that the obstacles to improvement in farming which game preserving occasions, displace an amount of labour far more than that required to preserve the game.

Besides the expenditure incurred by the proprietors in game preserving, varying from £300 to £1500 a year, diverts them from substantial improvements on their estates, which would require the employment of many labourers. Mr. Pusey says, "When they cease to think so much about game, they naturally think about something else, the improvement of their property. And the preservation of game has a tendency to encourage useless hedgerows and rough ground, which then they would not care so much about breaking up. I think if a landowner were to give up the preservation of game, he would be likely to have more funds to spare for improvements on his land, and that he would be more disposed to spend money in that way;" and many other witnesses refer to the effect of game preserving in limiting the employment of labourers in the agricultural districts.

The same opinion is also entertained by the Duke of Grafton.

In connexion with this part of the subject, your Committee have to remark, that the testimony of the most experienced witnesses, especially those who are or have been game preservers, shows that where a great stock of game is kept, nothing can prevent poaching but a large and efficient force of gamekeepers and watchers. Thus, the Marquis of Salisbury says (3693), "I think a man is not justified in preserving game who does not employ a sufficient force to protect it." So the Earl of Malmesbury, who preserves game in Hampshire, says poaching in his district had of late diminished, which he attributed to its being well preserved; and being asked (4884), "You think that where game is strictly preserved there are fewer poachers, and fewer encounters with poachers?" replied, "Certainly; I conceive that the reason of encounters is, because there are not keepers enough; and I think those gentlemen who preserve ought to make it a duty always to have a much stronger force than can possibly be sent against them; if they do that, there is no great chance of a collision." And his Lordship stated that he had more than 13 gamekeepers to watch his preserves, extending over about 25,000 acres of land. So Lord Hatherton says (7462), "that those who choose to preserve game should do it at their own cost, and that no man should pretend to do it without doing it effectually."

This fully confirms the opinion expressed by Mr. Pusey, that in the present state of the cultivated districts game can only be artificially preserved. Your Committee believe that it is by means of vigilant watching alone that poaching can be prevented, and that the severity of the game laws has not the effect of deterring the agricultural population from illegally taking game.

Your Committee refer to the report of the chaplain of the Hertford county gaol (3717), referred to in the evidence of the Marquis of Salisbury, as decisive evidence of the mischievous operation of the game laws upon the character and conduct of the rural population.

That report states, that there is "very little hope of seeing any amendment of character (in poachers) produced by incarceration in prisons, however much they may be brought under the influence and operation of effective moral discipline. The idea uppermost in their mind is, that they are victims of a cruel and oppressive system; and whilst exasperated by a continual mental irritation of this kind, every appeal to the more generous feelings and sympathies of man's moral constitution will for the most part be found ineffectual in producing the beneficial ends proposed; and this fatal prejudice, powerfully active in all cases, will be found to rankle with more than ordinary asperity in the breasts of fathers of large families, convicted perhaps for the first time, who were willing to labour if they could but have obtained employment, and who, in all probability, would not have had recourse to poaching if they could have met with a demand for their services, or if the produce of their labour had been found adequate to the maintenance of their families. But it is hopeless to convince persons of this class of their moral delinquency." Your Committee consider game preserving to demoralise the peasantry without offering any countervailing benefit.

5. The next division of the subject, that which relates to the administration of the game law, and the operation thereof upon offenders and the rural population in general, is a most important one, and has engaged a large share of your Committee's attention. From the tabular statement of the acts which are made offences by the game laws, and of the penalties, duties, and punishments thereby enforced, it is obvious that the code by which game is protected is one of considerable severity and stringency; that circumstance alone would have rendered this part of the subject worthy of anxious and deliberate inquiry. When a law designed for the protection of any particular description of property, is found to be unusually severe, two objects of inquiry naturally present themselves: First, What is the nature of the property protected? Secondly, Does the severe law repress the offences against which it is aimed? Your Committee have shown that the conclusions to which they have come, from the evidence adduced before them, is, that the property in game is one which cannot be protected by special laws, but that its protection from depredation must result from vigilance on the part of its owners; that, moreover, such is

the anomalous character of game, that its protection is in any circumstances difficult; while the practical evils produced by the presence of game preserves are great and numerous. It seems difficult therefore to maintain that the preservation of game is an object for which especial laws should be permitted to exist. It is plain, too, that the severity of the game laws does not repress game offences; on the contrary, the rigour of the law tends to place the labouring man who has once been convicted of poaching in such a position, that a repetition of the offence appears to offer him the readiest mode of escaping destitution or debt; while, in fact, a very considerable proportion of offences against the laws which are committed in the rural districts are direct game law offences, or violence arising out of the preservation of game.

The administration of the game laws, too, is attended with this peculiar disadvantage, that the magistrates who administer them are generally believed to have a personal passionate interest in game preserving, and to carry out the provisions of the law with extreme harshness. The consequences are, that the public look at the administration of the game laws with jealousy and suspicion, while poachers regard themselves, and are to some extent regarded by most of those who have no personal interest in game preservation, as victims of an unjust law harshly administered. This is borne out by the evidence of the witnesses who are favourable, as well as by the testimony of those who object to the game laws, and complain of the injuries inflicted by game preserving. Much evidence was offered to your Committee to explain or rebut imputations of harshness, made by some of the witnesses, in particular cases, or against individual magistrates, and to prove the precautions the general body of magistrates take to guard against imputations of partiality in their administration of the game laws, and that in most instances less than the full penalties or punishments are inflicted for game law offences. This class of evidence has appeared to your Committee to be strongly corroborative of the direct testimony against the law. Although your Committee believe that most magistrates do not, except where a poacher has been repeatedly convicted, visit game law offences with the full penalties allowed by law, yet so many instances occur in which such offenders are subjected to great severity, and often to cumulative punishments for the same offence, the power of enforcing the extreme rigour of the law being in every instance in the breasts of the prosecutor and the magistrates, that your Committee cannot regard the public opinion which exists against the administration of the game laws as altogether unfounded. Your Committee, however, believe that much of the unpopularity which justly belongs to the law, attaches itself to the magistrates who administer it. A few instances from the evidence will illustrate each of the preceding observations under this head of the inquiry.

Mr. James Smith Nowlson, in answer to the question (703), "Do game preservers ever act as magistrates in cases of offences against the game laws?" replied, "Yes, but not in their own

cases. For instance, if *A.* has got a case, *B.* will take it; and if *B.* has got a case, *A.* will take it." "In case a man was brought up for an offence against the game law, there was a certain amount of evidence given; do you think he would stand a greater chance of conviction for that offence, the game law, than if it were an offence against some other law?—We do consider so." And the same witness said it was his own opinion, and the opinion of the agricultural classes with whom he associated, that the punishments inflicted for offences against the game laws are too severe, and not in proportion to the magnitude of the offence, and that severity produces a feeling of sympathy for the poacher. Magistrates often dispose of game cases at their own houses, or in their private office, a practice which is regarded with suspicion, and has been justly objected to by many of the witnesses. Thus, Sir Harry Verney, amongst the alterations in the game laws and its administration, expressly suggested, "that magistrates ought not to act in game cases except at the usual place, and the advertised time of petty sessions, which must necessarily be in open court, and to which the public have access."

Mr. J. O. Griffits, who, as the clerk to his brother, an attorney, had acted on behalf of poachers before the petty sessions in Buckinghamshire, stated a particular case of the conviction of a labourer under circumstances of so much hardship, that the farmers of the district subscribed and paid the penalty of £10 and costs, and afterwards the further sum of £27, the costs of an appeal against the conviction. This witness stated, that the magistrates on the bench were game preservers, and complained that they insisted on a course of procedure unfavourable to the man accused. The same witness stated that he entertained a strong opinion that a person charged with an offence against the game laws stands a greater chance of conviction on a given amount of evidence than he would if charged with some offence unconnected with game; and he added, that an attorney who had been much engaged in practice at petty sessions, and to whom the witness had been clerk, "if it was a game case, never asked about, but his object always to get rid of it on a technical point, he felt so certain that it was of no use to contest any evidence upon the question before the justices."

The severity of the law for protecting game has been much commented on by many witnesses. Mr. Griffits says, "that the punishments for offences against the game laws are more severe than under any other law in existence, both as to the penalties and the consequences of nonpayment of the penalties. If a man uses a gun for the purpose of killing game without a certificate, he is liable to a £20 penalty, which cannot be mitigated to less than £10; secondly, he is liable to a cumulative penalty of £5, and then he is liable to surcharge." "How much does that amount to?—£8. 1. 8. If a man steals a tree the property of another, he is liable to a penalty not exceeding £5, or subject to punishment not exceeding three months' imprisonment; but if a man shoots a hare, he is

liable to the severe punishment I have stated." The whole amount of penalties to which a man killing game without a certificate may be subjected is £35; and in cases of night-poaching, besides the penalties, the offender is obliged to find sureties not to repeat the offence for a definite period; and if unable to find them, which a labouring man can seldom do, he undergoes a further term of six months' imprisonment; in addition, should the offence be committed on a Sabbath or Christmas day, he may be subjected to another cumulative penalty. There is no possibility of bringing a game conviction before the Court of Queen's Bench, the only appeal being to the quarter session. This witness was of opinion that if there were appeal to a jury, there would be many appeals against game convictions: at present an appeal is deemed hopeless. Several witnesses, acquainted with the practice at the petty sessions, objected to the mode in which magistrates examine witnesses in game cases by asking them leading questions, affirmative answers to which establish a case for conviction. Some important facts were stated with respect to the administration of the game laws by Samuel March Phillipps, Esq., one of the Under Secretaries of State for the Home Department. It appears that in the year 1844 the attention of the Secretary of State for the Home Department was attracted by a statement printed in Bedfordshire, that of the 201 commitments which had taken place in that county, 143 were for game offences, and 58 other cases, and that in that number of game cases there were four in which the sentences had been clearly illegal; he in consequence determined to inquire into the administration of the game laws, and directed all the gaolers to send to the Home Office copies of all summary convictions. Returns have since been made of all commitments on summary convictions under the game laws; and it appears that, from the 23rd day of May, 1844, to the 11th of March, 1845, such commitments amounted, in England and Wales, to 1,849. Of these, 40 were found to have been clearly illegal, and the men committed were at once discharged out of prison; while in 14 other cases the circumstances of conviction were such as to induce the Secretary of State to commute the sentences.

All the discharges were made upon the ground of the law having been actually violated, the sentences being against the law; in no instance was a prisoner discharged because the commitment was defective in point of form. The investigation of the Home Office proved that great irregularity and injustice had been committed by the magistrates under the game laws. The irregularities were of various kinds. Mr. Phillipps thus states some of them (6063): "In many cases there has been too great a penalty imposed. Under the trespass clause in the act of Parliament, 40s. is the maximum penalty; sometimes £3 has been imposed under this trespass clause. Of course, in such a case as that the man would be discharged altogether, because he had no opportunity of getting his discharge by paying the £2, £3 having been demanded, and upon his not paying that he was sent to prison; and in that case, there-

fore, of which there have been many, a pardon has issued. In many cases the imprisonment has been too long with reference to the penalty; the imprisonment has been for above three months when the penalty was under £5; in that case the imprisonment would be reduced by the Secretary of State. Then there have been many convictions by a single magistrate, when two magistrates had jurisdiction, and a single magistrate could not legally act. In such a case as that, of course a pardon would issue. There have been convictions under the game certificate act, where the magistrates have ordered six months' imprisonment with hard labour, which is against law. There is no hard labour justified under the game certificate act; only imprisonment without hard labour. In that case the hard labour would be remitted. There have been several instances of double convictions and double imprisonments for one and the same offence; indeed, I have known two instances in which there have been no less than three punishments; three imprisonments for one offence. I do not say under this return; but there was a complaint to the Secretary of State by one of the prison inspectors in the north, that a poacher had been sentenced to imprisonment under three different commitments for one offence. In that case, of course, the man was discharged. One was for poaching on Sunday, then he was taken under the Trespass Act, and then he was afterwards taken under the Certificate Act; I think he had 11 months' imprisonment altogether. That was about two years ago; and upon the representation of the prison inspector, the Secretary of State immediately recommended a pardon." There was another case of the same kind, where the man had been released before the circumstances came to the knowledge of the Home Office authorities. "The cases I am going to mention of double convictions and double imprisonments for one and the same offence, under the returns we have had, are the following: there has been a conviction and imprisonment for three months under the Night Poaching Act, and after that a conviction and imprisonment under the Assessed Tax Act; so that there were nine months' imprisonment altogether; three months under the first clause of the Night Poaching Act and six months under the Assessed Tax Act. That last conviction and imprisonment under the Assessed Tax Act was of course illegal. If the Secretary of State had not come to the knowledge of this, in consequence of the returns which have been made to him under his order, the man would have had six months' imprisonment, every day illegal. There have been a conviction and imprisonment under the 23d section; that is the common poaching clause; and a second imprisonment, with hard labour, for six months, under the Assessed Tax Act; so that in that case, if the Secretary of State had not heard of the circumstance in consequence of the return, the man would have suffered six months' imprisonment, every day illegal after the three months under the common clause."

It is a common error to commit an uncertificated man convicted of poaching, and imprisoned for that specific offence, for the addi-

tional term of six months with hard labour under the Assessed Tax Act, for killing game without a certificate. The Act which imposes a duty on persons killing game, though strictly a fiscal Act, is used by magistrates and preservers of game for the punishment of poachers. The prosecution for penalties under the Assessed Tax Act is usually conducted by the surveyor of taxes in the district; but in most cases that officer is set in motion on the suggestion of the magistrates, or the instigation of the game preserving prosecutor. The matter is adjudged by the Commissioners of Taxes, many of whom are not magistrates; but all magistrates are commissioners of taxes. Mr. Phillipps mentioned a case in which two magistrates convicted a poacher under the Game Act; the very day after one of those magistrates, as a commissioner of taxes, proceeded against the man under the Game Certificate Act, and added, "When a magistrate proceeds under the Game Certificate Act, he must be also a commissioner of taxes; and then, as a commissioner of taxes and as a justice, he may proceed upon the Game Certificate Act. But I have not a doubt that they proceeded upon it in a great many cases, using it as an Act for the suppression of poaching, as they would use the 1st & 2d Will. I am satisfied of that from the form in which the commitments have been made. The most oppressive acts that have taken place, as far as I am able to judge from the cases which have been inquired into, and from the returns, the most oppressive acts by far have been done through the medium of the Game Certificate Act." This is fully corroborated by other witnesses. The penalties are paid in comparatively few instances, but almost all the cases undergo imprisonment. By the Night Poaching Act, the magistrates are compelled to require the offender to find sureties by recognizance for not offending again in the same way for the space of a year. In some cases, where the direct punishment may be only a month's imprisonment, the poacher is committed for six months more if he does not find sureties; so that he suffers for the misfortune of not being able to find sureties, six times the original length of the imprisonment—six times as much as the offence imposed upon him. Mr. Phillipps remarked, "It is the only case I am acquainted with in the criminal law, where sureties are required for not committing a second offence in any charge relating to property, calling game property." The setting a snare after sunset, by a man who has been twice before convicted under the Night Poaching Act, renders him liable to be transported for seven years. And Mr. Phillipps gives it as his opinion, that the game laws are the severest laws on the statute book. Very few of the game law convictions are regular in point of form, and would have been set aside had they gone before the Judges.

With respect to the inefficacy of severity in repressing poaching, Mr. Phillipps said the clause respecting sureties should be taken away altogether; that there has never been an instance in which the sureties have been enforced, and that it only answers the purpose of getting imprisonment with hard labour. "You cannot stop poaching by the severity of the laws, severe as they are (for

they are the severest upon the statute book); you will learn from the Inspector of Prisons that men go through the gaols for perhaps 16 times, certainly above a dozen times. You cannot stop it by those means; it is a passion; you cannot stop it by the severest law. The best and only effectual way of stopping poaching is, by watching and catching. I should say you make the thing worse by having unnecessarily severe imprisonment. If the law is known to be severe, if the punishment is in common feeling thought to be so, the man comes out of prison with a feeling of rancour and great hostility to all who have property; and I must say we cannot doubt that a great number of crimes originate in this way." The same witness also expressed an opinion that the grave offences against the game laws, such as being out armed by night, in order that the administration of justice should be free from the least suspicion, should be tried at assizes, and not at quarter sessions; it would be more satisfactory to the country. The punishments inflicted by the judges show only one-half the comparative severity of those inflicted by the magistrates in quarter sessions.

Mr. Phillipps also laid before your Committee a table of game law convictions, followed by commitment to prison, during five years, 1839, 1840, 1841, 1842, 1843, in England and Wales, showing the proportion which they bear to the total male summary convictions in each year, from which it appears that the game law convictions, which in 1839 amounted to 2,642, advanced in each year, until in 1843 they were 4,348, being upwards of one-seventh of all the summary convictions in England and Wales. This bears out the statements made to your Committee, that the practice of game preserving has greatly increased within the last 10 years. And notwithstanding the stringent powers vested in the gentry for the protection of game, poaching goes on increasing, and under the present system will go on to increase.

Your Committee cannot forbear to remark, that in all the cases of irregular and illegal punishment of poachers brought under the notice of the Under Secretary of State, the mistakes have been made against the prisoner; and that such authentic and documentary evidence far outweighs any general statements as to the mild administration of the game laws by the magistracy, which have been made by several most respectable witnesses favourable to game preserving.

Not less conclusive is the evidence of Captain William John Williams, an inspector of prisons. The subject of the game laws forced itself upon the attention of this witness, from observing that there was a constant influx of prisoners for infractions of the game laws at certain periods of the year into the gaols and houses of correction. This induced him to make particular inquiries into the subject, of the officer of the prison and the prisoners themselves. The result of those inquiries has been to show that the game law offenders come from the agricultural counties: that the length of imprisonments, the severity of punishments, and the cumulative penalties, lead to the conclusion that the game law is more severe

in itself and in its administration than the laws for the protection of property generally. The Certificate Act has ceased, in the great majority of instances, to be an Act for the protection of the revenue; but is regarded and administered in most cases as a penal Act, and as an adjunct to the other Acts for the protection of game. Surveyors of taxes institute proceedings under the Assessed Tax Act against those who cannot pay the duty only at the instigation of gentlemen or their keepers; they then feel they must interfere. Sometimes imprisonment under the Assessed Tax Act commences first; thus a person was detained in Nottingham gaol for six months under the Assessed Tax Act, and then he was transmitted to the house of correction at Southwell for poaching; and as he was going out of the house of correction upon the first conviction, another was handed in at the gate. These were not strictly cumulative penalties; but it is a very common thing that two and three convictions are out against a man, and it has been decided that if these convictions are lodged at the house of correction at the same time, they must run out together; so in order to give effect to the punishment, when the prisoner is about to leave the gaol upon the first, there is a man ready to lodge the second conviction, and so with the third. Your Committee cannot refrain from expressing their strong sense of the oppressiveness of such a practice, even if it be legal, of which they think there is considerable doubt. It is not surprising that such practice "has occasioned very great inconvenience at the gaols with reference to discipline," and sends prisoners into the world with feelings of vindictiveness towards the game preservers and keepers who have occasioned their conviction. There appears to be a prevalent opinion, that the evidence of gamekeepers is not much to be relied on, and yet it must be borne in mind, that in the vast majority of cases it is upon the evidence of one person, a gamekeeper or assistant, that a conviction is obtained. Cumulative punishments, though not frequently inflicted, are always hanging over the head of a person convicted of an offence against the game laws; and Captain Williams mentions an instance in which a man was convicted three times under different Acts of Parliament for a single offence, and the magistrates' clerk, or some other person, had written on the commitments that the imprisonments, which were for two months each, were to be successive. On the case being submitted to the Secretary of State, after the man had suffered two months' imprisonment, he was released. The prisoners convicted of game offences consider the law under which they are imprisoned as a very harsh and severe one, and they frequently remark on the illegality of their sentences, referring particularly to being subjected to hard labour when committed for want of sureties. Very few prisoners acknowledge the justice of their sentences; but there is a much stronger feeling the other way among poachers than others. When warned of the ill consequences, they have replied, "Well, I am not here for stealing; I am not on the other side of the gaol." The witness had found that lengthened imprisonments are not beneficial.

The chaplains of prisons find they can produce no moral effect whatever upon prisoners under the game laws: that they leave the prison only to return, frequently replying to advice by saying, "that game was made for the poor as well as for the rich, and God made the birds of the air and the fishes of the sea for all." Poachers will often say they have done wrong, but they are not thieves; and they also frequently say, "I had better do this than go to the union." The opinion of the middle classes has of late years become very adverse to game preserving, and the extreme severity of the law; and the witness, Captain Williams, had frequently heard farmers say that the "landlord is obtaining another rent out of the soil by selling the game which their crops are feeding." The same witness stated it as his opinion, that the game laws tended to destroy friendly relations between the humbler and the upper classes of society; and the evidence offered to your Committee proves that opinion to be most accurate. Since the Home Office authorities have required a return of convictions, the administration of these laws has improved, and generally "the imprisonments are shorter than they were, and the penalties not quite so severe." The way in which the game laws are administered "has a great tendency to defeat a proper reliance on the administration of justice in other cases." There is, however, "less expectation of fair justice" in game cases than in others. Prisoners accuse gamekeepers of giving encouragement to poachers by buying live game and eggs of them, and leading them into offences, for the sake of obtaining half the penalty.

The administration of the game laws varies remarkably in various districts; it seems entirely dependent on the individual feeling of the landholders. "This," Captain Williams justly remarked, "is one of the most injurious consequences of the law. In one place you will find a person who carries these laws to an extreme, and in the next you will have a person who will scarcely have anything to do with them." There is a strong feeling against them among many of the higher classes, and a strong and universal sympathy on the part of the middle classes of society with offenders of that description. Every year the feeling against the game laws increases. This feeling on the part of the public renders poachers more daring. The poachers who take to the practice from the love of sport and adventure are the most irreclaimable of all. There are poachers from poverty; and there is the boy, the young man, who from early life has set his bird-trap, and who, being always in the fields, cannot resist the impulse of subjugating wild animals. Many whose means of subsistence are irregular, as fishermen on the Norfolk and Suffolk coast, resort to poaching occasionally; and there are many poachers sent to prison who would not commit a robbery. The poacher is usually an acute person. The result of Captain Williams's observation is, that "the administration of the game laws, and the game laws themselves, have a demoralizing tendency upon all classes in this country;" and in that opinion your Committee entirely concur.

Captain Williams was of opinion that there is no want of legal knowledge on the part of the magistrates' clerks, but that there is more feeling and prejudice on the part of magistrates in adjudicating upon the game cases, and the generality of the middling classes consider the administration of the law to be unsatisfactory. Magistrates are often present when game offenders upon their own estates are convicted; and although in such cases they sometimes retire from the bench or from the room, yet so closely are the rest of the magistrates identified with them in promoting the preservation of game, that the public are apt to impute a bias on the mind of the magistrates against persons accused under the game laws, and they thus convict on less evidence than they would require in other cases. Your Committee found considerable jealousy to exist on the part of farmers and the middle classes generally on account of the employment of the rural police force in game cases; and although in some districts formal orders are given to the police not to originate any proceedings under the game laws, your Committee feel that such jealousy is not without foundation. At the same time, while laws for the protection of game are permitted to remain in existence, it is difficult altogether to withdraw game offences from the cognizance of the police. Indeed your Committee deem the anxiety evinced by magistrates and heads of police to keep the bench from suspicion of partiality, and to disconnect the police from the execution of the game laws, on which points the evidence is abundant and decisive, as strong proof of the unsoundness of the whole system of the game laws.

6. Your Committee feel that under the sixth division to which they have adverted, viz., the influence of game preserving and the game laws upon the general interest of the community, they might class nearly all the evidence they have received. Almost all the witnesses state deep demoralization amongst the labouring classes to be one of the consequences of poaching, which is inseparable from the preservation of game. Your Committee find an anomalous species of property, for the protection of which a severe criminal code is in operation, preserved with the most passionate ardour by a considerable number of the landed proprietors of the country; while all other classes regard game as no property, or hold the special laws enacted for its protection to be mischievous and unjust. Game cannot be confined to the land of its owner, it is incapable of being identified, and is peculiarly exposed to depredation. It is usually a reservation by the owner of land from the possession of the tenant, and almost invariably proves more burdensome to the latter than he was led to expect on taking his farm; consequently, all farmers on preserved estates entertain more or less of resentment and discontent. Even where they entered with the knowledge that game would be preserved, they commonly complain that it is excessive, and they all feel vexed that their property is devoured by creatures they cannot control.

To the labourer game offers a perilous resource in times of distress and want of employment; the love of sport also often affords

an additional inducement to poaching; and the severity of the law, no less than the universal opinion that there is a great distinction between the right to game and the right to other property, creates a general sentiment of sympathy towards poachers. And although game offences by poor men are punished with severity, the wealthier classes constantly disregard the law; noblemen and gentlemen who desire to get up a stock of game in their preserves, have no hesitation in buying live game and game-eggs during the breeding season, when by law the taking them is absolutely prohibited. Game out of season is habitually provided at the clubs and dinners of the rich; the rural labourer is made the instrument by which these indulgences of the wealthy are obtained. Everything concurs to render the game laws the source of demoralization, and to lead the labourers to those first breaches of law which generally end in serious crime. The destruction of agricultural produce, the prevention of high farming, and the consequent diminution of employment, form a national evil of extensive operation. These circumstances your Committee believe to have an important and most mischievous influence on the morals of the people. The farmer, whose crops are injured by the game bred on his farm, over which he has no control, disregards infractions of the law, and not unfrequently looks on the poacher as his best friend. His labourers partake of their master's feelings, and deem the taking of game as at least an innocent, if not a meritorious act. Unlike other offences, it is in evidence that volunteer prosecutors and witnesses against poachers are almost unknown, and that it is by the testimony of gamekeepers and watchers that convictions take place.

Violence and bloodshed constantly occur from the preservation of game, of which numerous cases were referred to by the witnesses examined. Your Committee deem it proper, in connexion with this subject, to direct the attention of the House to two returns made by order of the House of Commons in 1844. The first consisted "A return of all inquests held by the coroners of England and Wales since the year 1833, upon the bodies of gamekeepers, and the verdicts of the juries;" from which it appears that no less than 26 verdicts of wilful murder and manslaughter had been found on inquests held upon the bodies of gamekeepers who had met with death by violence. The other was "A return of the number of persons convicted of any offences against the game laws at any petty sessions, quarter sessions, or assizes, during the year 1843, specifying the penalties or punishments inflicted, and in which county, and upon whose property the offences were committed." From this return it appears that in the year 1843 no less than 4529 convictions for offences against the game laws took place. Your Committee consider these returns such important illustrations of the working of the game laws, that they have caused them to be reprinted in the appendix to their report.

Your Committee are of opinion that the evidence given before them leads to the following conclusions: that game preservation, originally consisting of the mere protection of wild animals, has

become an extremely artificial system, only to be maintained by constant vigilance, and many watchers, while the notions about game entertained by the various classes of the community not directly concerned in preserving game, apply rather to a period when beasts and birds were strictly *feræ naturæ*, and every one might take them when and where he could, than to the present time, when game is reared with all the care and more difficulty than domestic animals; that, although game has become property, it wants most of the conditions which enable property to be protected by law. It cannot be confined to the land of its owner, and when off that land cannot be distinguished and identified by the owner; game must therefore always remain to a great extent *feræ naturæ*; the absolute right in its possession will be in him only who actually takes it. The owner of the field over which it passes but once has, and ever must have, if he can take it, as clear a right to the possession of game as the owner of the land on which it was reared, perhaps at great expense; and this peculiarity renders game different from all other kinds of property, into whose hands soever it may come; or it is impossible to say that any person in whose possession it may be is not the true owner of an object of which possession is the sole test of ownership.

It has been attempted, by means of game laws, to give the owners of game the power of protecting it by making the possession of game *primâ facie* illegal, and throwing upon the possessor the onus of showing that he is rightfully entitled, if not to the possession of a particular head of game, to possess game generally. This was strictly the case previously to the recent alteration of the game laws by the Act 1 & 2 Will. 4, c. 32, when no unqualified person could legally possess game, and no one could lawfully sell it. The law, however, was so habitually disregarded, that the Legislature altered it by the last-mentioned Act, in two most important particulars; first, by legalising the sale of game under certain limitations; and second, by making the payment of a tax to the state the only qualification requisite for killing and selling game. In all ages game laws have been regarded by the community as unjust and odious privileges, maintained to protect the mere amusements of landed proprietors; and although the late changes in our game laws have removed some of the evils of the system which before existed, the present laws partake so much of their feudal original, and their practical evils are so great and so numerous, that they are regarded by the public with as much jealousy and aversion as ever. Nor could your Committee avoid the conclusions that game causes a vast waste of agricultural produce, and limits and impedes the improvement of husbandry and landed property; and that, according to the evidence of all the farmers examined, wherever it is strictly preserved it is a burden on the land exceeding the whole amount of all the taxes and rates to which the land is subjected; that the reservation of game by the owners of land withdraws from the occupiers that complete control over the management of their land which is essential to success in farming, and to the comfort of the

farmer; that the system of superintendence of the landlord's game on the tenant's farm by means of the landlord's menial servants, a class of servants of whom Mr. Pusey remarked, "I do not think that a gamekeeper's profession is at all a profession which is advantageous to his life and character," materially affects the independence of the tenant, and produces irritation and ill-feeling, more or less openly expressed, according to circumstances, between the landowners who preserve game and their tenantry; that the labouring classes are regarded with suspicion by game preservers, and the distrust is mutual, for the labourers attribute to the gentry great want of fairness in all that concerns game. On all hands the great severity of the game laws is admitted; trespassing in pursuit of game is visited with punishment greater than that awarded to actual thefts, and double punishments and cumulative penalties are so frequently enforced, that the constant interference of the Secretary of State has become necessary to correct the rigour of the law.

That game preserves offer great temptation to the labouring classes to commence poaching, which, though not regarded by themselves or others as a moral offence, almost always leads men into an irregular course of life, and forms the great nursery for crime in the rural districts.

That the administration of the game law does not correct the severity of the law itself, and that those who administer it, being either themselves game preservers or closely connected by personal intimacy and community of sentiment with game preservers, are believed to lean to the side of severity. The popular opinion that magistrates are biassed, doubtless unconscious to themselves, against the poacher, seems to be borne out by the fact that all mistakes of law with reference to game offences which have come under the notice of the Secretary of State, have been made against the persons charged with game offences. Finally, your Committee are of opinion that a system which involves so many evils as those enumerated, requires prompt and speedy correction by the legislature. The question, then, only remains, what is the proper remedy?"

Your Committee having been unable to arrive at any other conclusion than that game preservation should not receive encouragement from the legislature, they have attentively considered the suggestions of various witnesses, with a view to ascertain whether any, and if any, what further modification of the game laws would provide such remedy. Some of the witnesses interested in the preservation of game have suggested the enactment of laws for the protection of game still more stringent than the existing game laws; others have required that the police should be made more especially the agents of carrying the game laws into execution than they are at present; another witness, Mr. Houghton, recommended that the special protection of game afforded by the game laws should be confined to preserves, publicly registered and notified as such, and that no land should be registered as a game preserve except when in the actual occupation of the owner. Your Committee are, however, of

opinion that it would be inexpedient to adopt any of those suggestions. Severe punishments and heavy fines have been found to be altogether insufficient to protect game without that personal vigilance which require not the aid of a special law; and even had game preserving been proved to be as useful as the evidence has shown it to be detrimental to the community, your Committee are of opinion that the game laws would be found harsh or unjust, or such as, not having the sanction of public opinion, would fail of effecting the proposed object. But when it has been proved that game-preserving causes evils of great magnitude and widely-extended operation, without any countervailing advantages whatever beyond the personal amusement afforded to the gentry by the destruction of game, your Committee are decidedly adverse to the enactment of any additional laws for its preservation.

Neither do your Committee approve of the recommendation that the rural police should be actively employed in enforcing the execution of the game laws. There is already a strong feeling on the part of farmers and others in the agricultural districts, that the police are too much engaged in detecting game offences, and that in some places their services might be dispensed with, but for the interest taken by the magistracy in protecting game. Your Committee therefore deem it desirable that the police should interfere as little as possible in game cases. Nor can your Committee sanction the plan of restricting the game laws to registered preserves, as suggested by Mr. Houghton. Independently of all general objections to a special law for the protection of wild animals, your Committee are of opinion that an effective system of registering preserves, strictly in the occupation of the owner of the land, could not be carried out without an uncalled-for interference with the right of property, and that it would prove altogether ineffectual. Your Committee believe that the removal of the evils induced by game preserves must be principally brought about by the owners of land, most of whom, when fully aware of the mischiefs their preserves occasion, your Committee cannot doubt, will gradually abandon the practice. The Legislature can only interfere by repealing the special laws for protecting game which now exist, and leaving the ultimate disuse of game preserves to the good feeling and good sense of the landed gentry.

Your Committee therefore recommend that the Act of the 9 Geo. 4, c. 69, commonly called the Night Poaching Act, the 1 & 2 Will. 4, c. 32, which is the Act on which the game law now mainly depends, and so much of the 52 Geo. 3, c. 93, and all other Assessed Tax Acts, as relate to game certificates, should be at once repealed.

Your Committee believe that the ordinary law of trespass is amply sufficient to protect the owners and occupiers of land against trespassers, whether such owners or occupiers devote their land to the preservation of the wild animals now called game, or use it productively. The limitation of seasons for killing game, and the necessity of previously paying a certificate duty, which now inter-

fere with the taking game by any person upon his own property at any season, should cease, and the owner or occupier of the soil should have as unrestricted right to kill game on his own property as he now has to take any other product of the soil.

Although your Committee are satisfied that the reservation of the game by the landlord forms one of the chief evils of the game system, they have not deemed it useful to recommend any positive measure to render such reservations invalid.

Should the Legislature adopt the recommendations of your Committee, by repealing the present game laws, the tenant may still bind himself not to destroy and to preserve any enumerated animals, and to permit his landlord to take or preserve them, as may be agreed upon, and upon breach of such an engagement, the tenant will of course be liable to a civil action at the suit of his landlord, and be subject to any damages which a jury may think fit to award. But your Committee believe that, when the improvements now partially taking place in husbandry shall become general, game will be only preserved, if preserved at all, in the parks, woods, and forests retained in the occupation of the proprietors.

Your Committee would also observe, that the present moment seems peculiarly fitting for granting that relief which would be afforded to agriculture by the withdrawal of every species of legislative encouragement from the system of game preserving. The cultivators of the soil are now about to be subjected to a free competition with the foreign corn grower; and from the almost unanimous testimony of the witnesses examined, it is certain that the discontinuance of the preservation of game would afford a relief, in a multitude of cases, exceeding that which would arise from the removal of all the direct taxation to which the tenant farmers are now subjected. To the advantage which the proposed change would yield, your Committee feel strongly that the cultivators of the soil are most justly entitled.

Your Committee, however, do not anticipate the immediate abandonment of game preserves, and they therefore recommend that in the Act of Parliament by which the statutes they have referred to are repealed, a provision should be inserted to render persons who preserve game upon their own land, liable for the injury done by such game to the lands of other persons in the neighbourhood. It is shown to be almost impossible for a person whose land is near to a game preserve, to prevent serious injury from his neighbour's game; and it would be a question upon the evidence in such case, whether in fact the injury complained of was caused by game from the adjoining preserves, which would be decided by the jury.

In conclusion, your Committee recommend that no time should be lost in repealing the laws which have been proved so extensively injurious to agricultural pursuits, and so demoralising to the rural population, and thereby preparing for a better state of feeling amongst all classes in the rural districts.

IV.

RESOLUTIONS

As agreed to by the Committee on the 27th June.

1. Resolved, That it is the opinion of this Committee, that the Common Law of England has always distinctly recognised a qualified right of property in game; and that from a very early period it has been found necessary, by statutory enactment, to make some special provision against the attempt to steal or destroy a species of property peculiarly exposed to depredation.

2. Resolved, That it is the opinion of this Committee, that the stringency of the game laws has been from time to time materially qualified and relaxed.

3. Resolved, That it is the opinion of this Committee, that the recent act, 1 & 2 Will. IV., c. 32, vested the property in game in the occupier of the soil, and distinctly recognised in game, as the subject of sale, one of the essential qualities of private property.

4. Resolved, That under these circumstances, the tenant has at all times the power to secure the game to himself, or to reject the tenantcy, if the propriety of the lands insist on a reservation being made of the game in his (the proprietor's) favour.

5. Resolved, That it is the opinion of this Committee, that to exclude game from the protection of the law would be inconsistent with a due regard to the security of other property.

6. Resolved, That it is the opinion of this Committee, that the taking of game by persons who have no right of property in it should continue to be the subject of penal legislation.

7. Resolved, That in reviewing the statutes now in force with reference to the pursuit and sale of game, it appears to your Committee that alterations may be suggested which, without impairing their efficiency for the repression of crime, would prevent the unequal or excessive punishment of persons who violate their provisions.

8. Resolved, That it is expedient to abolish cumulative penalties for poaching.

9. Resolved, That your Committee are not, however, prepared to recommend such an alteration of the law as would exempt from more severe penalties those who in the illegal pursuit of game commit at the same time a breach of the revenue laws, or those who in the day time, being armed, and in numbers, are guilty of violence.

10. Resolved, That it is the opinion of this Committee, that the

penalty imposed by the statute 52 Geo. III., c. 43, for sporting without a certificate, appears excessive.

11. Resolved, That it is the opinion of this Committee, that the space of three days allowed by section 14 of 1 & 2 Will. IV., c. 32, for giving notice of appeal against any summary conviction under this act, should be extended.

12. Resolved, That it is the opinion of this Committee, that it is expedient that so much of the 5 & 6 Will. IV., c. 20, which allows a moiety of the penalty levied under the 1 & 2 Will. IV., c. 52, to go to the informer, should be repealed.

13. Resolved, That it is the opinion of this Committee, that no person convicted of night poaching, under s. 1, 9 Geo. IV., c. 69, whose offence is unattended by circumstances of aggravation, should be subjected to the punishment of transportation.

14. Resolved, That it is the opinion of this Committee, that no person convicted of night poaching, under the first section 9 Geo. IV., c 68, should be required to find sureties for not repeating such offence.

15. Resolved, That it is the opinion of this Committee, that, apart from considerations of revenue, every owner or occupier of land having the right to kill the game on that land, should have such right without being required to take out a game certificate.

16. Resolved, That your Committee further recommend the abolition of certificates as regards the pursuit and destruction of hares by means of packs of hounds, or by greyhounds; and also to recommend the deduction of the duties on greyhounds to those imposed on common dogs.

17. Resolved, That your Committee regret that great facilities still exist for the disposal of game.

18. Resolved, That it has been suggested to your Committee, that by imposing additional legislative restrictions upon the sale of game, such facilities might be diminished, if not altogether removed; but the practical difficulty of enforcing any such regulations appears to your Committee to be almost insurmountable, and the regulations themselves would necessarily be of so stringent and vexatious a character that your Committee cannot recommend their adoption.

19. Resolved, That it is the opinion of this Committee, that the powers of constables should be better defined and enlarged, in regard to the search and detention of persons found under suspicious circumstances with game in their possession; and that power should be given to constables to search public-house and beer-shops (licensed to sell off as well as on the premises) for game, it having been proved before the Committee that they are extensive receptacles for stolen game.

20. Resolved, That it is the opinion of this Committee, that the present time fixed for the period at which feathered game becomes a marketable article, and saleable by the dealer, should be postponed; and they recommend, that the sale of each species of game should be deferred until one day after the season for shooting it has commenced.

21. Resolved, That your Committee has received evidence to show that the preservation of large quantities of game has been the frequent cause of damage to the neighbouring crops.

22. Resolved, That it is the opinion of this Committee, that in cases where the damage done to the growing crops of the occupier is caused by game belonging to or reserved by the owner of the land, such damage may be made the subject of pecuniary compensation.

23. Resolved, That it is the opinion of your Committee, that although instances to the contrary have been proved to your Committee, evidence has been adduced before them which warrants the conclusion that, in general, a tenant's just claim for compensation is complied with by his landlord.

24. Resolved, That it is the opinion of this Committee, that great difficulty must always exist in determining the amount of damage which has been inflicted by game on growing crops, and that the estimate of such damage, however skilfully made, is rarely satisfactory to both parties.

25. Resolved, That it is the opinion of this Committee, that where, from the vicinity of the preserves of adjoining proprietors, such damage must be attributed to the game bred and preserved therein, the reparation for such damage cannot generally be made the subject of previous agreement.

26. Resolved, That it is the opinion of this Committee, that under these circumstances, cases of hardship may be expected to recur; but the extreme difficulty of establishing the liability of any particular party for the damage done, or correctly assessing the amount of such damage, have induced your Committee to reject the suggestion that an action on the case would be a fitting or practical remedy for damage done to growing crops by game.

27. Resolved, That it is the opinion of this Committee, that this species of damage is to be attributed mainly, if not entirely, to hares and rabbits, and that no appreciable proportion of such damage can be ascribed to feathered game.

28. Resolved, That it is the opinion of this Committee, that the law in Scotland with regard to game differs from that in England in many essential particulars, and but little evidence respecting that part of the subject has been adduced before your Committee.

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